

New Jersey State League of Municipalities Conference Resolution No. 2010 – 01

Opposes any further expansion of the ability of state colleges and universities to expand the development of their campuses without local approvals

**Approved by the Resolutions Committee, November 16, 2010.
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, State Colleges and Universities throughout the State of New Jersey have markedly expanded the development of their campuses over recent years; and

WHEREAS, current state law allows State Colleges and Universities to expand the development of their campuses without significant local approvals from the municipalities in which they are located; and

WHEREAS, the New Jersey Supreme Court in Rutgers v. Piluso, 60 NJ 142 (1972) held that the Legislature's intent was that the growth and development of the university was not to be thwarted or restricted by local land use regulations and held immune therefrom; and

WHEREAS, this trend to allow unfettered expansion with limited or no review by municipal boards has increased over the years, having a dramatic impact on residential neighborhoods surrounding state colleges and universities; and

WHEREAS, the Department of Environmental protection recently determined that colleges and universities are exempt from Executive Order #215, which required an environmental assessment or environmental impact statement in support of major construction projects receiving more than one million dollars in state funding as a requirement of that funding, for any and all future construction projects; and

WHEREAS, the League of Municipalities is opposed to any further relaxation of the ability of state universities to develop and expand without input from local municipalities, and wishes to encourage the Legislature to further restrict existing expansion authority;

NOW, THEREFORE, BE IT RESOLVED, by the League of Municipalities, in conference assembled, that it opposes any further expansion of the legal ability of state colleges and universities to expand the development of their campuses without local approvals; and

BE IT FURTHER RESOLVED, that the Legislature be and hereby is encouraged to amend current law to further restrict existing expansion authority by state colleges and universities by requiring significant local input and increased local approvals; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioners of Departments of Environmental Protection and Community Affairs, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-02

Calling for the removal of the current property tax exemption from housing provided by not-for-profit educational institutions to members of their administration, faculty, or staff

**Approved by the Resolutions Committee, November 16, 2010.
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, municipal officials are extremely concerned that current state law exempts from property taxes housing owned by not-for-profit educational institutions and provided to members of those institutions' administration, faculty or staff; and

WHEREAS, the persons residing in such housing have full and complete access to all of the services offered by governmental bodies that levy property taxes, including but not limited to public safety services, education, transportation, and recreational services and facilities; and

WHEREAS, the primary use of such housing is as a residence for those who not only occupy these housing units but work for the not-for-profit organization; and

WHEREAS such residences should be assessed and taxed as any other residence; and

WHEREAS, if such housing were subject to property tax, it would reduce the overall property tax burden on New Jersey's property tax payers significantly; and

WHEREAS, local officials affirm their support for the exemption from property taxes of those facilities owned and operated by not-for-profit educational institutions to the extent such property's primary use is to advance the educational mission of the institution;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, supports the introduction of legislation that would remove the current property tax exemption from housing provided by not-for-profit educational institutions to members of their administration, faculty, or staff, the primary use of which is for housing and not for educational purposes, thereby permitting such housing to be placed upon the tax rolls; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-03

Calling for an amendment to OPRA regarding reasonable attorney fees

Approved by the Resolutions Committee, November 16, 2010.

Approved at the League Business Meeting, November 19, 2010.

WHEREAS, the Open Public Records Act (OPRA) created a Government Records Council (GRC) whose mission is to assist residents and records custodian alike in making OPRA work for the citizens of New Jersey; and

WHEREAS, N.J.S.A. 47:1A-7(b) outlines the duties of the GRC, which includes the issuing advisory opinions as to whether a particular type of record is a government record accessible to the public; preparing guidelines and informational pamphlets for use by records custodians complying with OPRA; making training opportunities available for records custodians which explain the law governing access to public records; and operating an informational website and toll-free helpline for assistance to both records custodians and citizens; and

WHEREAS, from its inception municipalities have been encouraged to contact the Government Records Council for advice when an individual requests documents under the Open Public Records Act N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, if the records custodian denies a request for records based on the advice of the GRC, the requester can appeal the denial in the Superior Court of New Jersey; and

WHEREAS, N.J.S.A. 47:1A-6 states "If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee."; and

WHEREAS, if the Court reverses the advice of the GRC and orders the documents be provided, N.J.S.A. 47:1A-6 applies to the financial detriment of the municipality which was only doing as directed by the Government Records Council.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, goes on record as urging an amendment to the Open Public Records Act (NJSA 47:1A-6), to state that a requestor who prevails in any proceeding shall not be entitled to a reasonable attorney's fee if the municipality acted on the advice of the Government Records Council.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No 2010 – 04

Urging legislation to allow municipalities more flexibility imposing furloughs

Approved and amended by Resolutions Committee, November 16, 2010.

Approved at the League Business Meeting, November 19, 2010.

WHEREAS, municipalities and counties across the State of New Jersey are annually facing severe budgetary shortfalls; and

WHEREAS, several municipalities and counties have found it necessary to institute layoff plans containing furlough days for their employees; and

WHEREAS, Civil Service rules currently restrict the ability of the municipalities and counties to schedule furloughs by exempting non-uniformed personnel in public safety departments from the furlough process; and

WHEREAS, the current law further restricts the ability of the municipalities and counties to schedule furloughs while still providing services to the public by not allowing for either staggering furloughs of employees within a department or staggering furloughs of departments within a municipality or county, so as not to require the closure of municipal buildings on furlough days; and

WHEREAS, much more flexibility is required given the economic climate so as to increase the ability of municipalities and counties to produce savings through furlough days without significantly diminishing services to the public;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature is urged to adopt legislation to allow municipalities and counties more flexibility imposing furloughs, including expanding furloughs to include non-uniformed public safety personnel, allowing the staggering of furlough days of employees within a department, and allowing the staggering of furlough days of departments within a municipality; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-05

Resolution for an Amendment to the New Jersey Constitution to provide for an annual review of the qualifications of affordable housing unit owners

Amended and approved by the Resolutions Committee, November 16, 2010

Approved at the League Business Meeting, November 19, 2010

WHEREAS, in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”), and South Burlington Count N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), along with the subsequent progeny of related cases, the New Jersey Supreme Court held that zoning ordinances which make it physically and economically impossible to provide low and moderate income housing were unconstitutional, and established a judicially created constitutional obligation for the provision of affordable housing in the State of New Jersey; and

WHEREAS, in response to the New Jersey Supreme Court’s decisions, the State Legislature enacted the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 (the “Act”), which accepted the premise that there was some constitutional obligation for municipalities to foster affordable housing, and created an administrative agency, the Council on Affordable Housing (“COAH”), to establish regulations whereby the obligation of each municipality in terms of the number of units and how the obligation could be satisfied; and

WHEREAS, COAH’s methodology requires each municipality to provide affordable housing in relation to its actual residential and non-residential growth, while planning for COAH’s projected obligation based on its projection of growth in each municipality; and

WHEREAS, COAH is currently in its third round of obligation, which relates back to the original of its first round obligation determined in 1987, through the end of the third round in 2018; and

WHEREAS, one of the accepted methods of providing affordable housing is the development of owner-occupied affordable housing units; and

WHEREAS, the purchase and sale of owner-occupied affordable housing units are governed by COAH’s current regulations, N.J.A.C. 5:97, and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, *et seq.* (“UHAC”); and

WHEREAS, pursuant to N.J.A.C. 5:97-9.3 and N.J.A.C. 5:80-26.6, COAH regulations and UHAC establish restrictions on the purchase and sale price for affordable housing restricted ownership units; and

WHEREAS, pursuant to N.J.A.C. 5:97-9.2, N.J.A.C. 5:80-26.7, and N.J.A.C. 5:80-26.16, COAH regulations and UHAC also establishes buyer income and household eligibility qualifications for the purchase of affordable housing restricted ownership units; and

WHEREAS, after the original purchase, there is nothing under New Jersey law that provides for the continued monitoring or qualification of owners of affordable housing units to

assure that they continue to meet the established income and household eligibility qualifications;
and

WHEREAS, there is a growing problem within this State where qualified individuals purchase affordable housing units, grow in success and wealth, and no longer qualify under the affordable housing requirements, and remain in possession of these units, thereby keeping same out of the hands of those in need; and

WHEREAS, the State and municipalities need to take action to correct this growing problem while not losing the affordable housing units from the existing inventory of available housing; and

WHEREAS, there are owners of affordable housing units who no longer qualify under the applicable affordable housing restrictions, but continue to receive the benefits of a lower tax assessment due to the restrictions on the units; and

WHEREAS, one method to address a portion of this problem would be to require an annual qualification for owners of affordable housing units, and provide for an increased assessment for property tax purposes on those units where the owner no longer qualifies under the applicable affordable housing requirements; and

WHEREAS, providing for the annual qualification for owners of affordable housing units also provides the flexibility for owners who no longer qualify one year, and become subject to the increased assessment, to be able to requalify in following years if the owners' financial circumstances so warrant; and

WHEREAS, this method may also encourage those owners of affordable housing units who no longer qualify under the applicable affordable housing requirements to seek other housing, vacating the affordable housing units, thereby providing more affordable housing opportunity for those in need; and

WHEREAS, Article III of the New Jersey Constitution provides for the assessment and collection of property taxes within the State of New Jersey; and

WHEREAS, Section 1 of Article III of the New Jersey Constitution requires that all assessments for property tax purposes be made under general laws and by uniform rule according to its true value, unless otherwise provided for within the Constitution; and

WHEREAS, any differentiation in the property assessment for taxation purposes, such as establishing an increased assessment on affordable housing units, the owners of which no longer qualify under the applicable affordable housing requirements, requires an amendment to the Constitution; and

WHEREAS, Article IX of the New Jersey Constitution provides for the procedures for which an amendment to the Constitution may be realized, which requires introduction and adoption by the State Legislature prior to presenting same to the people at the next general election; and

WHEREAS, the New Jersey State League of Municipalities firmly believes that the Legislature must act on the proposed amendment to provide for an annual review of the

qualifications of affordable housing unit owners to assure continued qualification under the applicable affordable housing requirements, and to permit the tax assessment of those units at fair market rates, as if unencumbered with affordable housing restrictions, where such owners no longer qualify, on the ballot for presentation to the people at the next general election; and

WHEREAS, State government and municipalities need to act in unison with one voice and one mission to limit those no longer qualified under the applicable affordable housing requirements to receive the benefits of lower property tax assessments, without losing the affordable housing restrictions on such properties and reducing the number of affordable housing units available, by allowing the taxation of such affordable housing properties at fair market rates, as if unencumbered with affordable housing restrictions.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, that:

1. The Legislature needs to take decisive and assertive action to amend the New Jersey Constitution.
2. The proposed amendment shall be under Article III of the New Jersey Constitution to permit the non-uniform tax assessment of affordable housing units at fair market rates, as if unencumbered by the affordable housing restrictions, notwithstanding the fact that such restrictions do remain in full force and effect, where the owners of such units no longer qualify under the applicable affordable housing requirements.
3. The proposed amendment shall assure that the increased assessment of such affordable housing units, as if unencumbered by the affordable housing restrictions, shall not affect the enforceability of said affordable housing restrictions, including all provisions therein.
4. The Legislature shall adopt subsequent legislation to implement and establish the mechanisms to allow for municipalities to annually review the qualifications of affordable housing unit owners in order to assure continued qualification under the applicable affordable housing requirements; and to allow for the increased tax assessment of those units at fair market rates, as if unencumbered by affordable housing restrictions, where such owners no longer qualify under the applicable affordable housing requirements.
5. The proposed legislation shall further provide mechanisms for the annual qualification of affordable housing unit owners that include the flexibility for an owner who may no longer qualify under the applicable affordable housing requirements in one year, thus becoming subject to the increased assessment, to thereafter be able to requalify under the same applicable affordable housing requirements in any following year.
6. In the alternative, if a constitutional amendment is determined to be unnecessary based on existing authority to provide for the non-uniform tax assessment of affordable housing units where the owners of such units no longer qualify under the applicable affordable housing requirements, the Legislature shall adopt legislation that provides the same function, and implements and establishes the

mechanisms to to allow for municipalities to annually review the qualifications of affordable housing unit owners in order to assure continued qualification under the applicable affordable housing requirements; and to allow for the increased tax assessment of those units at fair market rates, as if unencumbered by affordable housing restrictions, where such owners no longer qualify under the applicable affordable housing requirements.

7. The proposed amendment, along with any subsequent enabling legislation, shall apply to the affordable housing obligations and restrictions within the State of New Jersey, no matter the underlying statutory scheme or regulatory authority implementing same.
8. Any adjustment to the obligation for a property shall not act to reduce the affordable housing obligation of the municipality.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the members of the New Jersey State Legislature, the members of the New Jersey Congressional Delegation, the Commissioner of the Department of Community Affairs, the Executive Director of the Council on Affordable Housing and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-06

Supporting the Adoption of Attorney Fee Caps on Litigation against Public Entities

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, Public Officials and Employment practices claims against municipalities have increased dramatically over the past few years

WHEREAS, according to a ten year closed claim study recently completed by the Municipal Excess Liability Joint Insurance Fund, the cost of employment practices liability per employee was \$26 in the year 2000 and increased to \$125 per employee for most of the decade

WHEREAS, according to the same study, it increased 175% to \$354 per employee in just the past two years.

WHEREAS, 65% of these claims are for police and the 2011 projected cost of these claims is \$740 per officer.

WHEREAS, legal fees historically represent over 70% of the cost

WHEREAS, provisions in various laws such as LAD and CEPA providing for fee shifting have encouraged attorneys to make unreasonable demands in otherwise minor cases.

WHEREAS, John Farmer, Dean of the Rutgers Law School and former NJ Attorney General stated: "Even cases with marginal relevance are now being presented by plaintiffs' counsel as having substantial settlement value."

WHEREAS, in a recent case, a NJ court awarded the plaintiff's attorney a fee of \$450,000 even though the jury awarded his client only \$20,000.

WHEREAS, the explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications:

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, that the legislature is urged to place a cap on attorney fee awards in fee shifting cases against public entities as follows:

For awards (compensatory and punitive damages combined) of \$50,000 or less, the maximum fee award should be \$50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness; and

For awards over \$50,000, the fee award should not exceed the verdict, though a lower fee should be awarded if warranted based on considerations of reasonableness; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-07

RESOLUTION SUPPORTING A REPEAL OF SICK LEAVE INJURY

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, a recent study by the Municipal Excess Liability Joint Insurance Fund concluded that the cost of employee accident claims against New Jersey municipalities increased 7.7% per year since 2005 and is now \$2520 per full time employee; and

WHEREAS, under NJSA 18A:30-2.1 and 11A:6-8 Municipalities and Boards of Education are permitted to adopt Sick Leave Injury (SLI) programs that extend for up to one year full pay for workers injured in the course of their employment; and

WHEREAS, recently a similar provision for State workers was repealed; and

WHEREAS, the supposed purpose of this supplement is to make up the difference between the weekly benefit under workers' compensation and the employee's regular earnings; and

WHEREAS, because workers' compensation is not taxed, employees on workers' compensation and SLI have higher after tax incomes while off the job; and

WHEREAS, SLI provides an incentive for employees to resist coming back to work; and

WHEREAS, SLI programs are not commonly offered in the private sector and to governmental employees in other states; and

WHEREAS, SLI cost New Jersey Municipalities approximately \$500 per full time employee per year.

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, that the Legislature is urged to amend NJSA 18A:30-2.1 and 11A:6-8 to eliminate SLI programs at all levels of government so that all New Jersey governmental employees are treated in a similar fashion.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-08

REGARDING DEATH OF RETIREE, INSURED OR INSURED DEPENDENT

Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010

WHEREAS, local municipalities currently provide health insurance benefits to employees, retirees and their eligible dependents (hereinafter “Municipal Insureds”); and

WHEREAS, there currently exists a lapse between the time the New Jersey Division of Pensions and/or a municipal health insurance provider learns of a change in the status or eligibility of a Municipal Insured and the time that the change is learned by or conveyed to the municipality; and

WHEREAS, as a result of this delay in transmitting the information to the municipality, a municipality often pays health insurance premiums for Municipal Insureds who are deceased or otherwise not eligible for coverage; and

WHEREAS, municipalities are not capable of recovering all of the premiums paid to health insurance companies for Municipal Insureds who are deceased or otherwise not eligible for coverage; and

WHEREAS, local municipalities should be timely advised of any changes in the status or eligibility of any Municipal Insured at such time as such information is transmitted to the New Jersey Division of Pensions or any health insurance company with which a local municipality has contracted to provide health insurance benefits to its Municipal Insureds;

WHEREAS, the failure to timely advise a municipality of any changes in the status or eligibility of a Municipal Insured should result in the full restitution of any premium paid by the municipality on behalf of the Municipal Insured from the time of the change in the status or the eligibility of the Municipal Insured;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, to appeal to the New Jersey State Legislature to enact legislation which requires the New Jersey Division of Pensions and health insurance companies providing benefits to a local municipality to notify the local municipality of the change in status or eligibility of a Municipal Insured within 60 days of the change in status or eligibility; and,

BE IT FURTHER RESOLVED, the New Jersey State League of Municipalities, in conference assembled, further appeals to the New Jersey State Legislature to mandate that failure to timely notify a municipality of a change in status or eligibility of a Municipal Insured shall result in the full restitution of any and all premiums paid by the municipality on behalf of the Municipal Insured from the time of the change in status or eligibility of the Municipal Insured; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey State Treasurer, the Commissioner of the Department of Banking and Insurance, the members of the New Jersey State Legislature, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-09

**AMENDING N.J.S.A 40:67-7 TO MANDATE THE RELOCATION OF
UTILITY FACILITIES WHEN A STREET OR HIGHWAY IS ALTERED.**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, N.J.S.A 40:67-7 requires the governing body of a municipality to adopt by resolution, after a public hearing with notice, prior to requiring the removal and replacement of utility structures when the street or highway within which such utility structures are located is being changed or altered; and

WHEREAS, the procedure requiring a resolution and public hearing is cumbersome and unnecessary because a municipality is in regular contact with utility companies when the municipality plans to change or alter a street or highway; and

WHEREAS, municipalities have experienced a growing refusal by public utilities to remove and relocate their utility facilities out of a municipal right-of-way;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, strongly recommends that the New Jersey State Legislature amend N.J.S.A 40:67-7 to eliminate the requirements of the adoption of a resolution and the holding of a public hearing with notice, and clearly mandate that the owner of a utility facility located within a municipal right-of-way is obligated to remove and relocate its utility facilities at the utility's sole cost and expense, when a municipality changes or alters a municipal street or highway; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-10

**SUPPORTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK
INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK
MAINTANCE**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, Injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, in Lodato v. Evesham, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, In the same case, the courts ruled that the town, not the homeowner was liable for accidents on defective sidewalks notwithstanding the ordinance.

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, that the Legislature is urged to amend Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance; and

BE IT FURTHER RESOLVED that a copy of this Resolution, as adopted by this governing body, shall be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-11

**RESOLUTION SUPPORTING AN AMENDMENT TO TITLE 59
STRENGTHING WEATHER IMMUNITY**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factors contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather; and

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather.

NOW THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, that: the legislature is urged to amend Title 59 as follows:

1. Change the word "solely" to "primarily, and
2. Extend this provision to all public property including storm water and waste systems, dams, rivers and streams.

BE IT FURTHER RESOLVED that a copy of this Resolution, as adopted by this governing body, shall be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-12

**In support the United States FIFA World Cup Bid Committee
as it competes to host the FIFA World Cup in 2018 or 2022**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, the United States Men's National Soccer Team competed with honor in the FIFA World Cup in South Africa from June 11 to July 11, 2010; and

WHEREAS, the United States has now qualified for six consecutive FIFA World Cup competitions, ranking the men's team among the world's finest and signaling an era of unprecedented popularity and historic growth for the sport of soccer throughout our nation; and

WHEREAS, the FIFA World Cup competition staged in the United States in 1994 served as a catalyst for the popularity and growth of the game, as well as the introduction of Major League Soccer, America's first professional soccer league; and

WHEREAS, the United States Soccer Federation has appointed the USA Bid Committee to campaign for the return of the FIFA World Cup to the United States in the year 2018 or 2022; and

WHEREAS, the spirit of the USA Bid Committee's campaign is to further grow and celebrate the game of soccer in a United States of more than 300 million diverse people, representing all nations that gather every four years to compete in our follow the FIFA World Cup; and

WHEREAS, the ultimate goal of a FIFA World Cup in the United States in 2018 or 2022 is to bring together people of all nations under one banner of peace, friendship and spirited but fair competition on the stage of the world's most popular sport and athletic event; and

WHEREAS, 18 American cities have been named by the USA Bid Committee as candidates to serve as hosts to FIFA World Cup matches should the United States by named as the host country for either the 2018 or 2022 competition; and

WHEREAS, these 18 cities are represented in the official host nation application by the United State to FIFA, which will determine on December 2, 2010, the two nations that will serve as hosts to the 2018 and 2022 FIFA World Cup competitions; and

WHEREAS, each of the 18 candidate cities already holds a place in the international community as a welcoming example of diversity and eagerly awaits being ambassadors to visiting athletes, officials, and guests; and

WHEREAS, these 18 communities and more throughout the United States fully represent the essence of the USA Bid Committee's message to FIFA and the entire global soccer community, "The Game is in US", and

WHEREAS, all Americans can play their part and increase our country's chance of being named host of the FIFA World Cup in 2018 or 2022 by adding his or her name to the online petition found at GOUSABID.COM; and

WHEREAS, we agree that it is now time to build on prior success and bring the FIFA World Cup back to the United States; and

WHEREAS, the USA Bid Committee and the United States Soccer Federation encourage outreach to the Executive Branch and Congress to ensure the full participation of the United States government in the pursuit to win the privilege of hosting the 2018 or 2022 FIFA World Cup.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, congratulates the United States Men's National Soccer Team on its efforts in the 2010 FIFA World Cup in South Africa; encourages the United States government and the American people to support the United States FIFA World Cup Bid Committee as it competes for the privilege to host the FIFA World Cup in 2018 or 2022; and welcomes opportunities identified by the USA Bid Committee for all New Jersey mayors to advance these efforts.

BE IT FURTHER RESOLVED that a copy of this Resolution, as adopted by this governing body, shall be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-13

**Calls for implementation of P.L.2009, c.275 immediately
Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, P.L. 2009, c. 275 requires the registration, tagging and penalty increases for off-road vehicles; and

WHEREAS, there has been a significant increase in the unauthorized use of off-road vehicles on municipal, county and state-owned properties, as well as adjacent private properties; and

WHEREAS, it is an unfair burden for taxpayers to pay to repair the damage that is done to recreation areas, historic parks, trails, detention basins and other public facilities, and to private property owners who are also suffering costly property damage as a result of trespass by these vehicles, and increasingly calling upon local government to provide protection from same; and

WHEREAS, P.L. 2009, c. 275 requires the New Jersey Department of Environmental Protection to designate for use one site on state-owned land for an off-road vehicle park (either previously owned or newly purchased); and

WHEREAS, the preferred location for an off-road vehicle park shall be on lands that are not state parks and forests, wildlife management areas, or reservoir lands; and

WHEREAS, the designation of one off-road vehicle park is necessary for the implementation of the provisions within P.L. 2009, c. 275 ;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, requests that the New Jersey Department of Environmental Protection and the State of New Jersey implement the provisions of P.L. 2009, c. 275 immediately; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the New Jersey Department of Environmental Protection, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-14

Calling for Tort Reform

Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010

WHEREAS, municipalities are responsible for conducting a myriad of activities each and every day to insure the proper and efficient government and functioning of communities; and

WHEREAS, such responsibility requires continual decision making and action; and

WHEREAS, such actions expose a municipality to numerous lawsuits including many frivolous lawsuits; and

WHEREAS, certain statutory fee shifting provisions create inherently unfair and inequitable results where municipalities are responsible for minimal or no damages and yet attorneys fees are exorbitant; and

WHEREAS, the cost of frivolous lawsuits and exorbitant attorney fees are passed on to the innocent taxpayers of the municipality.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, hereby urges the Legislature and the Governor to take any and all action in furtherance of Tort Reform in the State of New Jersey.

BE IT FURTHER RESOLVED that a copy of this Resolution, shall be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-16

**RESOLUTION SUPPORTING THE ADOPTION OF LEGISLATION TO PROVIDE
IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach; and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, a public entity should be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk.

NOW, THEREFORE BE IT RESOLVED BY THE NEW JERSEY LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, THAT the Legislature is urged to pass legislation providing such immunity that also includes piers, wharves, docks and similar public properties; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-17

**REQUESTING THE BOARD OF PUBLIC UTILITIES AND STATE LEGISLATURE
IMPLEMENT THAT FRANCHISE FEES PAID ON A MONTHLY BASIS**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, an incumbent cable operator operating under a municipal consent based franchise pays franchise fees each year in the amount of 2 percent of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service, as such term is defined by N.J.S.A. 48:5A-3e, within the municipality; and

WHEREAS, the Act as amended, at N.J.S.A. 48:5A-30d requires that the holder of a system-wide cable television franchise to pay to each municipality each year a sum equal to 3.5 percent of gross revenues, as such term is defined by N.J.S.A. 48:5A-3, derived from cable television service charges or fees paid by subscribers in the municipality to the system-wide cable television franchisee; and

WHEREAS, cable providers currently pay the franchise fee to the respective municipalities on January 25th for the preceding year; and

WHEREAS, since the franchise fee is a separate line item on each monthly cable bill, it should be readily available to distribute to the respective municipalities; and

WHEREAS, considering the current economic climate, additional cash flow on a timely basis will help struggling municipalities, thereby benefiting taxpayers.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED, that both incumbent and system-wide cable providers pay the franchise fee to each respective municipality within thirty (30) days of the monthly billing cycle end date or quarterly; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the Board of Public Utilities, the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010 – 18

**Resolution Directing the New Jersey Department of Environmental Protection to Conduct
a Survey to Review Unused Surplus Water Allocation Amounts Allotted to Water
Allocation Permit Holders**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”). Division of Water Supply, Bureau of Water Allocation monitors Water Allocation Permits to ensure an adequate water supply for the citizens of the State of New Jersey; and

WHEREAS, the NJDEP Bureau of Water Systems and Well Permitting (“Bureau”) reviews the NJDEP Division of Water Supply’s Public Water System Deficit/Surplus to determine if holders of Water Allocation Permits meet the daily, monthly, or yearly allocation limits; and

WHEREAS, based on the results of the Bureau’s findings, permit holders are advised if their system is operating within its limits or is required to provide an additional source of water or water diversion rights if a deficit exists; and

WHEREAS, the financial impact of securing an alternative source of water or water diversion rights from another permit holder is extremely costly and results in additional costs to the already overburdened ratepayers and citizens of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that

1. The Legislature and the Governor need to take decisive and assertive action to direct the New Jersey Department of Environmental Protection undertake a study to review the amounts of surplus daily, monthly, or yearly water allocation limits.
2. Based on the results of the NJDEP survey, Water Allocation Permit holders experiencing a deficit in the daily, monthly, or yearly allocation limits will be afforded the opportunity to supplement the deficit with the surplus amounts left unused by Water Allocation Permit holders.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010 – 19

Resolution Urging the Legislature to Adopt Legislation to Permit Municipalities to Include Sewer Bills on Municipal Tax Bills

Approved by Resolutions Committee, November 16, 2010

Approved at the League Business Meeting, November 19, 2010

WHEREAS, many municipalities issue sewer usage bills separate and apart from their regular municipal tax bills, which creates duplications of effort and additional postage expense, resulting in extra costs that ultimately increase taxes; and

WHEREAS, many taxpayers are dissatisfied with the task of paying separate bills for sewer usage and are dissatisfied that those fees cannot be claimed as a deduction on their income tax returns; and

WHEREAS, permissive legislation is desirable to create a mechanism which would enable sewer usage bills to be included on the municipal tax bill in a way which would satisfy Internal Revenue Service regulations for income tax deductibility and therefore alleviate both of these issues while reducing cost;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the passage of permissive legislation which would create a mechanism which would enable sewer usage bills to be included on the municipal tax bill in a way that would satisfy Internal Revenue Service regulations for income tax deductibility, address the above concerns, and benefit both municipalities and taxpayers; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010 – 20

**Resolution Urging Legislation Requiring Appointment of Local Representatives
of Affected Municipalities to the Boards of Trustees of State Colleges and Universities**

Approved by Resolutions Committee, November 16, 2010

Approved at the League Business Meeting, November 19, 2010

WHEREAS, there has been a significant trend in the expansion and development of state colleges and universities over recent years; and

WHEREAS, such expansion and development has significant impact on surrounding municipalities, which can include police services, fire services, ambulance services, schools traffic, noise and quality-of-life issues; and

WHEREAS, the boards of trustees of such state colleges and universities are often comprised of individuals who do not reside in the area of the college or university; and

WHEREAS, it would be extremely beneficial to the public interest to have local representatives on the boards of trustees of state colleges and universities.

NOW, THEREFORE, BE IT RESOLVED, by the **NEW JERSEY STATE LEAGUE OF MUNICIPALITIES, IN CONFERENCE ASSEMBLED**, that the State Legislature be urged to pass legislation requiring the appointment of a local representative to the board of trustees of a state college or university from each municipality in which such state college or university is located in whole or in part, or which borders such state college or university, such representative to be designated by the governing body of each such municipality; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010 – 21

Requesting and urging the adoption of legislation pertaining to the issuance of refunding bonds for loss of revenue from tax appeals.

Approved by Resolutions Committee, November 16, 2010

Approved at the League Business Meeting, November 19, 2010

WHEREAS, municipalities across the State of New Jersey have seen a substantial increase in the number of property tax assessment appeals as a result of declining real estate values; and

WHEREAS, municipalities that have undergone revaluation or reassessment programs in the past two to three years have been particularly impacted in a negative manner through a large number of tax appeals; and

WHEREAS, tax assessment appeals have resulted in a large number of credits and/or refunds to property owners as a result of judgments and/or settlements issued by County Tax Boards and/or the State Tax Court which has served to place a strain on municipal budgets which have anticipated the tax revenue in their budget as a basis for setting the tax rate and the tax bills to the property owners for the year; and

WHEREAS, the municipalities experiencing these tax appeals and the lost revenue from either a refund from prior taxes paid or a credit against the final tax payment in the year are already overly strained through the loss of other revenue including the loss in State Aid; and

WHEREAS, based on the declining real estate market and tax assessment appeals filed as a result of the declining market and subsequent adjustments to assessments by the county tax boards and State Tax Court, municipalities have experienced a reduction in the overall assessed valuation of the municipality and a loss of revenue; and

WHEREAS, the current state of the law is not clear with respect to the issuance of refunding bonds by municipalities where the judgment or settlement is paid by way of a credit to the taxpayer against the final quarterly payment and the NJ Local Finance Board has determined that legally it cannot approve applications submitted for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature is urged to adopt legislation to make it clear that municipalities are authorized to issue refunding bonds for the loss of revenue as a result of property tax appeals and decisions/settlements from either the County Board of Taxation and/or State Tax Court, regardless of whether the loss of revenue is in the form of a credit or a refund and regardless of the tax /budget year that the credit/refund is approved for; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010 – 22

RESOLUTION TO END STATE DIVERSION OF MUNICIPAL REVENUES AND DEMAND COMPLIANCE WITH STATE LAWS

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, there are two main formula-driven general municipal property tax relief programs currently on the books in our Garden State; and

WHEREAS, though often referred to as “State Aid” programs, these are actually revenue replacement programs, intended to replace property tax relief funding that was, formerly, generated through taxes assessed and collected locally; and

WHEREAS, the first is the Energy Tax Receipts Property Tax Relief program - the direct descendant of the Public Utility Gross Receipts and Franchise Tax, which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980s, at the request and for the convenience of the tax paying utilities, the State became the collection agent for this assessment, and the law that effected this change promised that the proceeds would be distributed back to the municipalities, which provide services to utility facilities and from whence come utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately and annually diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major reform of utility taxes in the mid-nineties, which validated and, supposedly, capped the State’s annual portion of the tax proceeds; and

WHEREAS, that law also included a ‘poison pill,’ which required the State to annually increase the municipal distribution of Energy Tax proceeds and to cap its skim; and it, further, provided that failure to honor that pledge would result in the forfeiture of the State’s authority to collect the tax; and

WHEREAS, around the same time, for its own convenience, the State decided to ‘consolidate’ a number of previously discrete municipal property tax relief programs; and

WHEREAS, while some may see ‘no rhyme or reason’ to the distribution of Consolidated Municipal Property Tax Receipts Aid (CMPTRA), each of its component parts was distributed according to state established formulas, and many of those parts were, like Energy Taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level; and

WHEREAS, among its many components, CMPTRA includes the Financial Business Tax, the Business Personal Property Tax Replacement, the Railroad Class II Property Tax, the Insurance Franchise Tax, the Corporation Business Tax on Banking Corporations and State PILOT payments, that had been under-funded for many years, prior to being folded into CMPTRA; and

WHEREAS, these are, or were, all municipal revenue replacement programs - not, properly speaking, State aid, in that they were not meant to make things better for municipal property taxpayers; they were only intended to keep things from getting worse; and

WHEREAS, in the late-nineties, a law was passed that required both the Energy Tax and CMPTRA distributions to be annually increased by the rate of inflation; and

WHEREAS, that law posed a special problem for future State budget makers, but, as those budget makers viewed the matter, the problem was not how to comply with the requirement; the problem was how to avoid compliance without invoking the Energy Tax 'poison pill,' and

WHEREAS, State policy makers found a way to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, which was done by annually reducing the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, thereafter, the State strayed even farther from original legislative intent, when, in 2008 (SFY 2009), CMPTRA was reduced by about \$62 million more than the Energy Tax was increased, and in 2009 (SFY 2010), the net loss equaled about \$32 million; and

WHEREAS, the State's Fiscal Year 2011 budget, in which the total distribution of CMPTRA and ETR was reduced by approximately 17 percent, or \$272 million from \$1.565 billion to \$1.293 billion, honoring neither the letter nor the spirit of applicable State laws.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that we demand an immediate end to the State's reliance on the municipal property tax relief revenues to balance its budget and address other priorities; and

BE IT FURTHER RESOLVED, that we call on the Governor to introduce and the Legislature to adopt an FY 2012 State Budget that provides for the full statutory distribution of Energy Tax and CMPTRA revenue replacement funding, and to continue to honor the letter and spirit of the applicable State statutes, in all years, thereafter; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-23

Supporting Water Conservation

Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010

WHEREAS, all residents, businesses and municipalities in New Jersey should practice water conservation; and,

WHEREAS, many municipalities find themselves caught between a commitment to water conservation on the one hand and water rates that are authorized by the Board of Public Utilities, as well as “take or pay” contracts from private water companies on the other hand, that in many cases actually penalize conservation, since as water use does down, water companies appeal—and get---rate increases to pay their costs, and some contracts require payment for water whether or not it is used, thus encouraging use of water to maximum allowable; and

WHEREAS, since current experiments in rate structures that encourage conservation are limited in scope and will take years, if not decades, to affect most communities, State governments should partner with local governments to facilitate this vital policy priority.

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the League of Municipalities regularly and clearly voice municipalities' concern on this issue to the Bureau of Public Utilities and the Department of Environmental Protection; that the League of Municipalities, on behalf of New Jersey municipalities, actively advocate with the Board of Public Utilities for new and creative approaches to water rate structures that enable and reward conservation, and that the League of Municipalities advocate with the Department of Environmental Protection for proactive communication and interaction with municipalities concerning the options they have for achieving water conservation within the present structure of water allocations and rates; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Board of Public Utilities, the Commissioner of the Department of Environmental Protection, the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-24

Resolution on State Pension Underfunding

Amended and Approved by Resolutions Committee, November 16, 2010

Approved at the League Business Meeting, November 19, 2010

WHEREAS, municipalities and counties are legally required to make their contribution to the State's pension system and understand the importance of keeping the systems solvent; and

WHEREAS, municipalities and counties in New Jersey are dedicated to fiscal responsibility and safeguarding their residents tax dollars as they are utilized for municipal services, schools, county expenses and statutory obligations to the State of New Jersey; and

WHEREAS the State, for the past thirteen years, has paid nothing or very little by way of state employers contribution to fund pension obligation; and

WHEREAS the local funded defined benefit systems are, in fact, improving based upon the fact that both employees and employers are making required contributions; and

WHEREAS, the State of New Jersey has itself underfunded the pensions for many years, resulting in tens of billions of dollars in lost accrued value, and an unsustainable future for both taxpayers and public workers; and

WHEREAS, in prior years, the State of New Jersey has used pension funds to pay operating expenses and in 2010 did not make it actuarially required contributions to the various pension funds; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, to commit to all action up to and including a demand for legislation authorizing municipalities and counties the choice to place pension contribution into an escrow account until an investigation is conducted to determine that the State Government has guaranteed the protection of tax dollars in the State's pension systems; and

BE IT FURTHER RESOLVED, that the legislation include language that the money in this fund be used only for the purpose of providing pensions to local government employees;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-25

**Resolution Urging the Reporting of Attempts to Corrupt Public Officials
and Employees to Law Enforcement Authorities**

**Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010**

WHEREAS, there have been ethical and criminal violations by some public officials and employees that have been distressing to the overwhelming majority of public officials and employees who have performed their duties with integrity and honesty; and

WHEREAS, whenever public officials and employees have violated the public trust, the bribe has come from someone representing private interests seeking special treatment; and

WHEREAS, the Local Government Ethics Law requires the reporting of gifts with an aggregate value in excess of \$400.00 from any single source other than relatives while the criminal statutes bar gifts that are more than trivial given to influence public action;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges public officials and employees to promptly report bribery attempts to the appropriate law enforcement authorities, and

BE IT FURTHER RESOLVED, that the reporting requirement in the Local Government Ethics Law be revised to require the reporting of gifts that are more than trivial from any source other than relatives, and

BE IT FURTHER RESOLVED, that municipal officials are encouraged to provide ethics training for elected and appointed officials and employees; and.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2010-26

In Appreciation of League President James Anzaldi

Approved by Resolutions Committee, November 16, 2010
Approved at the League Business Meeting, November 19, 2010

WHEREAS, Mayor James Anzaldi is completing his term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Anzaldi rendered the highest caliber of service consistent with the principles fundamental to good government and the objectives of the New Jersey State League of Municipalities; and

WHEREAS, President Anzaldi testified at numerous public hearings before the legislature on the need for property tax reform, met with leaders in the Administration and Legislature to advocate for property tax reform and management reforms for local governments; and

WHEREAS, President Anzaldi lead the League at a time of transition in not only the Administration, but the State Senate and the General Assembly, and did so in a bipartisan and even-handed manner consistent with the principles of the League of Municipalities; and

WHEREAS, President Anzaldi has worked tirelessly on behalf of the League of Municipalities and all local officials to host the League's 95th Annual Conference; and

WHEREAS, President Anzaldi has consistently demonstrated the most important quality of every good League President, every good municipal official, every good leader and every good citizen in our democratic republic, which is to strive to earn and keep the trust of our voters; and

WHEREAS, the League and the municipal community at large have been well guided and inspired by the leadership of President Anzaldi;

NOW THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, on the 19th day of November 2010, do extend to President Anzaldi sincere appreciation for years of dedicated administration, good counsel and untiring efforts to improve local government in New Jersey; and

BE IT FURTHER RESOLVED, that sincere wishes for continued success in all future endeavors be extended to President Anzaldi and that a copy of this resolution be transmitted herewith to him.