



LEGISLATIVE VIEWPOINT

**New Jersey State League
of Municipalities**

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**Assembly Housing and Local Government Committee
2:00pm, 4th Floor, Committee Room 16, Annex.**

Chairman Green and Members of the Committee, Good Afternoon

INTRODUCTION

My name is Gregory Fehrenbach. I serve as the League of Municipalities' Interlocal Cooperation and Management Advisory Service Coordinator. I would like to begin by expressing my pleasure to have been a constituent of the Chair when I was the Township Administrator of Piscataway when Piscataway was in your district.

Today I represent the New Jersey State League of Municipalities. The League is an organization representing all 566 New Jersey municipalities and affiliate professional associations such as the New Jersey Municipal Management Association and the Government Finance Officers Association.

CORE SUPPORT

As you know the League was very active during the Special Legislative Session of 2006. The League has strongly supported the CORE Reform Package of the Speaker which became A-4 and Chapter 63 of the Public Laws of 2007. The League believes that Assembly Speaker Roberts and the members of the Joint Legislative Committee on Shared Services and Government Consolidation exhibited great leadership and concern for the welfare of the state's citizens and their municipalities during the Committee's deliberations on these matters. Chapter 63 resulted from these efforts.

Chapter 63 provides more flexibility to municipalities wishing to pursue interlocal cooperation. It also provides clear rules regarding the impact of municipalities under the jurisdiction of the NJ Department of Personnel cooperating with municipalities not under their jurisdiction. It eliminates many obstacles to interlocal cooperation and provides more workable alternative methods to pursue both cooperation and consolidation. We hope that when the Local Unit Realignment and Consolidation Commission concludes its work that the numerous opportunities and consequences of cooperation and consolidation will become even better understood than they are today.

SHARE SUPPORT

The Department of Community Affairs and its Division of Local Government Services deserve the appreciation of municipalities and the Legislature alike for the manner in which it has administered the SHARE grant program. Early procedural weaknesses were identified and addressed. The program provides significant opportunities for municipalities, school districts, fire districts and counties to examine the benefits of interlocal cooperation, to identify where these can be found and to assist in the implementation of efficiency-oriented programs. These applications for aid should be coordinated through the local government who could serve as the lead agency. As municipalities become more familiar with the SAGE grant application system utilized by the Department, and as the system becomes more user-friendly, municipalities can easily serve the role of local coordinator of the application process.

Chapter 63 has only been in effect several months. The LURACC has not yet received all of the required appointments and has not met. It strikes the League that we need some greater experience with the recent changes in legislation before we can determine if further changes are needed and what those changes should include.

NJSSSA SUGGESTED REVISIONS

Of the suggested legislative initiatives that the Statewide Shared Services Association has put forth, there are a couple with which the League would agree could be beneficial.

Municipal Court interlocal cooperation is adversely affected by the provisions of NJSA 2B:12-1(c). This law provides that in order for two or more municipalities to agree to provide courtrooms, chambers, equipment supplies and/or employees jointly they must agree to appoint the same persons as judges and municipal court administrators. Recently, Judge Feinberg's decision has shown the law to be very restrictive and a clear barrier to interlocal cooperation in this area. Legislation has been proposed in the last session and in this session to lift this barrier; specifically, A-1518, which is part of your agenda today, and its Senate companion, S-335. The League would further support the language of the Senate Committee substitute, as approved by the Senate Judiciary Committee on February 15. At its annual conference this past November, the League passed a resolution (which is attached) in support of such a revision.

The League concurs with the Director of the Division of Local Government Services that "Municipal – school district sharing is among the partnering that is eligible for SHARE assistance." This has been a very successful element of the SHARE program. Where school districts can find efficiencies and economies by cooperating with one or more other school districts, the program should encourage and support this pursuit.

CLOSING

Thank you for the opportunity to address the committee. The League has been very impressed with the interest the Legislature has shown in shared services which has been operational in municipalities of the state for more than the past quarter century.

Resolution No. 2007 – 20

**Approved at the League Business Meeting, November 16, 2007
Approved by Resolutions Committee, November 13, 2007**

**Resolution Recommending Amendment to N.J.S.A. 2B:12-1(c) Regarding Sharing of
Municipal Courtrooms**

WHEREAS, the New Jersey Legislature has set forth the legislative intent behind Interlocal Services Agreements by enacting N.J.S.A. 40:8A-10, which specifically states: *“It is the intent of the Legislature to facilitate and promote Interlocal and regional service agreements, and therefore the grant of power under this act is intended to be as broad as is consistent with general law relating to local government.”*; and

WHEREAS, Governor Corzine and most, if not all, members of the New Jersey State Senate and General Assembly have spoken out on numerous occasions in favor of the sharing of services between governmental entities and, where feasible, regionalizing such services, all with a view toward conserving funds and reducing the financial impact upon the state’s taxpayers; and

WHEREAS, a problem has been brought to the attention of the New Jersey State League of Municipalities arising from the case of In the Matter of the Municipal Court of the Borough of East Newark, 390 N.J.Super. 513 (Law Div. 2006) in which the court held that subsection c. of N.J.S.2B:12-1 requires municipalities sharing municipal court services under that provision to also share a municipal court judge; and

WHEREAS, this decision focuses on drafting errors in the existing legislation, thereby resulting in an opinion contrary to sound fiscal planning and contrary to the prevailing thinking in the State that facilities and services should be shared, in order to save money; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature should immediately pass an amendment to N.J.S.A. 2B:12-1(c) to address the court decision referenced above; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities recommends such amendment read as follows:

“Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies or employees for their municipal courts; and may also agree to appoint the same persons as judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.”