

Ms. Kane offered the following Resolution and moved on its adoption:

R-09-148
RESOLUTION URGING ELIMINATION OF
STATE-IMPOSED UNFUNDED MANDATES

WHEREAS, in 1995, New Jersey voters approved an amendment to the State Constitution that was supposed to curb lawmakers' penchant for mandating new programs for state and local governments without giving them the necessary funding; and

WHEREAS, in order to implement the law, the legislature established the Council on Local Mandates, whose job is to review complaints from the local government entities and then make a determination on whether new statutory or regulatory impositions by the State constituted "unfunded" mandates; and

WHEREAS, under the law, if a statute or regulation is deemed by the Council to be an "unfunded" mandate, it ceases to be mandatory and expires; and

WHEREAS, 12 years later, the Council has made only eight decisions and in only two of those did the Council rule in favor of local governments. In one of those cases, the decision was pointless because the Council has no power to force the State to comply and local governments have no right to seek redress in the courts; and

WHEREAS, clearly, this is not the reform that people thought they were voting for in 1995. Proof is that property taxes in New Jersey, which the people were seeking to control with the amendment, have nearly doubled since then; and

WHEREAS, the New Jersey Association of Counties (NJAC) has proposed that local and county officials join forces to push for a complete overhaul of the Council on Local Mandates, which in its view clearly has not satisfied the voters, desire for reform; and

WHEREAS, NJAC has also proposed the following:

- 1) Change the composition of the Council on Local Mandates because under the law, Members of the Council are appointed by the Governor, the Legislature and the Chief Justice of the State Supreme Court, the makers of mandates.
- 2) A review of the obvious flaw that state appointees, such as judges and prosecutors, Can force county governments to hire Court personnel and expand facilities, all without approval from voters or their elected representatives.
- 3) A review of the provision that states while State officials can appeal to the Courts, County and local officials don't have that option. Under the law, decisions made by the Council on Local Mandates are not eligible for judicial review. Furthermore, when the Council makes a decision in favor of a local government, the State is free to ignore it without consequence.

- 4) A complete review of the section “unfunded mandates” Law delineating the exemptions. This should included a top to bottom review of all State mandates that would require the State to repeal the outdated ones and pay for the rest; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Highlands of the County of Monmouth urges the elimination of State - imposed unfunded mandates.

BE IT FURTHER RESOLVED that the Borough of Highlands strongly supports the New Jersey Association of Counties and all of its proposals to deal with the problems caused by Unfunded mandates.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to Governor Jon Corzine, the Legislative Delegation representing Monmouth County, the Boards of Chosen Freeholders of each county in New Jersey and the Mayors and governing bodies of every municipality in Monmouth County.

Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: August 19, 2009

NINA LIGHT FLANNERY, Borough Clerk

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands August 19, 2009.

BOROUGH CLERK/DEPUTY CLERK