

## FROM THE DIRECTOR



The past six months have been uniquely challenging times for local government. The Division has actively provided services, guidance, and support to assist in response and recovery efforts throughout this period. Timely and appropriate responses would not have been possible without our municipal working group calls. We cannot thank you enough for your input and assistance. We also thank the affiliate entities for their spirit of collaboration and ongoing assistance. The list of entities and individuals who have supported these efforts is long, but the agency wants to particularly recognize the efforts of the Tax Collectors & Treasurers Association of NJ (TCTA) and auditors, whose speed of outreach in surveying efforts and collaboration on data gathering, deserve special recognition for their vital role in targeting statewide relief efforts.

As the Director, I sincerely thank the many municipal officials, officers, and employees who have reached out and continued to communicate with me directly and with the Division as a whole. Although this process has been difficult, the civility of New Jersey's public sector professionals is genuinely appreciated. We know there is much more to do, and we look forward to doing together.

*Melanie R. Walter*

## LOCAL ASSISTANCE BUREAU

### CONGRATULATIONS LEAP GRANT RECIPIENTS!

On June 25, 2020, the first round of Local Efficiency Achievement Program (LEAP) Grants were awarded to local government entities across New Jersey. These grants will support the implementation of a variety of shared service initiatives, including equipment sharing, a FEMA community rating system, solid waste and recycling, public safety, and fire district and jail consolidation. The grants are also funding school consolidation studies across New Jersey and the initiation of projects involving regionalized economic development, medical examiner and health services, fire and emergency management, sewer infrastructure, and animal control.

Local governments that were awarded LEAP Grant funding include: Chesterfield, Dennis, Lambertville, North Wildwood, Sussex County Sheriff's Office, Woolwich, Pinelands Regional School District, Roosevelt School District and Atlantic, Bergen, Cumberland, Gloucester, Monmouth, Ocean, Passaic, Salem, and Union Counties.

With the next round of LEAP Grant funding just around the corner, it is a great time for local governments to assess and re-examine shared service opportunities.

The Shared Services Czars, Nicholas W. Platt and Jordan Glatt, and the Division's Local Assistance Bureau (LAB), stand ready to provide support and guidance, helping local governments navigate the shared services process from identification to implementation.

If you have shared services inquiries, contact: [sharedservices@nj.gov](mailto:sharedservices@nj.gov).

Keep an eye out for the next round of LEAP Grant funding in the New Jersey Register and check the DLGS website for updates: <https://nj.gov/dca/divisions/dlgs/programs/leapgrants.html>.

## MEET THE DIVISION

**Michele Meade** is familiar to purchasing officials as the Division's procurement specialist, but she is also a fiscal monitor working with the City of Paterson in the Transitional Aid program.

Michele, who has been with the Division for 3 ½ years, earned a Master of Public Administration from the Wagner School at New York University and holds certifications as a QPA and RPPO. Prior to joining the Division, she was a city manager and assistant manager working for municipalities in New Jersey for more than 25 years.

She brings her years of municipal management experience to bear providing technical assistance to Paterson on fiscal management, budget, economic development, best practices, labor negotiations, and on other municipal operations to work towards the goal of achieving short- and long-term cost savings, revenue enhancement, operational effectiveness and efficiency and eventual fiscal recovery.

In the procurement arena, Michele is often seen at purchasing meetings and conferences providing updates and guidance on laws and regulations. She enjoys making presentations to help contracting units understand the intricacies of the procurement laws and helping purchasing officials one-on-one with their questions.

## LOCAL GOVERNMENT ETHICS LAW

### Local Government Ethics Law Primer for Fire Districts

The Local Government Ethics Law (LGEL), N.J.S.A. 40A:9-22.1 et seq., applies to all fire district officers and employees. Of particular note, the Local Finance Board (Board) has, since 1993, opined that serving as Commissioner of a fire district while simultaneously serving as an elected or ranking officer of a fire company within that same fire district (including the positions of chief, deputy chief, president and vice president) would violate N.J.S.A. 40A:9-22(d) and (e.) (See [Advisory Opinions 92-004 and 93-019 for more specific guidance.](#)) Holding both positions is a clear example of incompatibility of office as members of a fire company are under the supervision and control of the Fire Commissioners.

Fire District Commissioners are also reminded that under the LGEL (N.J.S.A. 40A:9-22.1 et seq.) their personal conflicts extend to their spouses. The Board still occasionally sees ethics complaints where a spouse conducts business with the Fire District, such as providing insurance or vendor services. As a general rule, where a Commissioner could not engage in the business relationship with the District him or herself, the LGEL also prohibits the spouse from doing so.

Fire Commissioners also have an obligation under the LGEL to annually file accurate and complete Financial Disclosure Statements (FDS) with the Board online at [www.fds.nj.gov](http://www.fds.nj.gov). Fire District Commissioners and staff are listed on their respective municipality's FDS roster. Besides the Fire District Commissioners, the Fire District Business Administrator and the Fire District Attorney are other examples of local government officers required to file the FDS. For further guidance on who has to file, the Fire District and the Municipal Clerk should consult [LFB 2020-03](#). Failure of a qualifying officer or employee to file is a violation of N.J.S.A. 40A:9-22.6. In addition, Fire Commissioners are reminded that the FDS needs to be correctly completed. The Board frequently finds violations of N.J.S.A. 40A:9-22.6 for incomplete FDSs. Questions concerning the FDS filing process may be directed to [LFB\\_FDS@dca.nj.gov](mailto:LFB_FDS@dca.nj.gov).

## LOCAL FINANCE AND EGG NOTICES

Municipal officials are reminded that the Division continues to issue Local Finance Notices, EGG Notices, and Operational Guidance addressing ongoing public health and recovery issues, as well as more conventional budgetary and operational matters.

Recent publications provide information regarding State formula aid recapitulation and payment schedules (LFN 2020-17) and adjustments to public bidding thresholds and Office of the State Comptroller reporting thresholds (LFN 2020-14). These Notices and existing guidance documents are available on the Division's website at:

[https://www.nj.gov/dca/divisions/dlgs/resources/local\\_fin\\_notices.html](https://www.nj.gov/dca/divisions/dlgs/resources/local_fin_notices.html)

<https://www.nj.gov/govconnect/news/general/>

## CAN THE DIVISION HELP ME?

Many people know that the Division of Local Government Services reviews budgets and hears Local Finance Board applications, but the Division also fields a lot of other inquiries from local officials and members of the public that may or may not fall under our purview. For those times when you're wondering whether the Division can help – here are examples of a few things we can help with, and a few times we may need to refer you elsewhere:

### **Do you have a question about procurement under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34-1 et seq.?**

[https://www.nj.gov/dca/divisions/dlgs/programs/lpcl\\_docs/Full%204-14%20LPCL-NJAC%20Reference%20Handbook.pdf](https://www.nj.gov/dca/divisions/dlgs/programs/lpcl_docs/Full%204-14%20LPCL-NJAC%20Reference%20Handbook.pdf).

The Division provides local governments guidance regarding procurement standards and requirements under the Local Public Contracts Law, and regarding cooperative purchasing systems. Cooperative purchasing systems must be registered with and approved by the Division Director. Questions regarding these matters can be submitted to the Division's staff procurement expert. Many answers are also available online here: <https://www.nj.gov/dca/divisions/dlgs/programs/lpcl.html#2>.

### **Do you have a question related to the Local Government Ethics Law, N.J.S.A 40A: 9-22.1 et seq. N.J.A.C. 5:35-1.1 et seq.?**

The Local Finance Board's Ethics Unit addresses ethics complaints under the Local Government Ethics Law, and issues advisory opinions. It also handles the annual Financial Disclosure Statement filing process.

[https://www.nj.gov/dca/divisions/dlgs/programs/ethics\\_docs/Local%20Government%20Ethics%20Law%20and%20Rules.pdf](https://www.nj.gov/dca/divisions/dlgs/programs/ethics_docs/Local%20Government%20Ethics%20Law%20and%20Rules.pdf).

Complaints pertaining to local officials related to their official duties are filed with the LFB, unless the local unit has a local ethics board—then the complaints must be heard at the local board, and the LFB only hears them on appeal. Currently, 40 municipalities and counties have local ethics boards. Click here for the list of local boards as well as publicly available ethics advisory opinions and Attorney General opinions. <https://www.nj.gov/dca/divisions/dlgs/programs/ethics.html#1>.

Complaints differ from advisory opinions in two ways: 1) A complaint relates to actions that have already occurred. An advisory opinion is a request for prospective advice; and 2) Anyone may file a complaint against a local official. Only a local official may seek an advisory opinion as to whether his or her own contemplated conduct would violate the Local Government Ethics Law.

Read more about the Local Government Ethics Law, including how to file a complaint or seek an advisory opinion, here:

[https://www.nj.gov/dca/divisions/dlgs/programs/ethics\\_docs/Local%20Government%20Ethics%20Law%20and%20Rules.pdf](https://www.nj.gov/dca/divisions/dlgs/programs/ethics_docs/Local%20Government%20Ethics%20Law%20and%20Rules.pdf).

## CAN THE DIVISION HELP ME? (CONT.)

### Do you have a question regarding certification of local officers?

The Division's Certification Unit answers questions relating to the certifications it administers, including Municipal Clerk (RMC), Finance Officer (CMFO and CCFO), Tax Collector (CTC), Public Works Manager (CPWM) and Purchasing Agent (QPA). <https://www.nj.gov/dca/divisions/dlgs/programs/certification.html>. These include such matters as options for filling vacancies, acting appointments while a candidate completes courses or sits for the certification exam, appointment of individuals without a certification, and referrals for license-related action.

### Are you seeking emergency guidance?

The Division regularly promulgates guidance to address emergent and ongoing circumstances, including emergencies. The Division has recently issued guidance on matters such as reallocating storm recovery reserves to COVID-19 expenses (LFN2020-06), alternatives to the competitive bidding process during the pandemic (LFN2020-10), strategic budgeting during the pandemic (LFN 2020-11) and pandemic-driven operational strategies (LFN 2020-12). You can find all of the Local Finance Notices here. [https://www.nj.gov/dca/divisions/dlgs/resources/local\\_fin\\_notices.html](https://www.nj.gov/dca/divisions/dlgs/resources/local_fin_notices.html).

Division staff works hard to keep local units informed about matters that affect them most.

### Is the question you are asking related to specific local issues?

Many times, the Division refers callers to another entity if the question relates to activity primarily within a local unit's purview. Local issues may include inquiries related to municipal taxes, trash collection, animal control, or discretionary government action.

Although the Division certifies and promulgates guidance for Tax Collectors, the Division cannot intervene on behalf of individual taxpayers on municipal taxes. The municipality, county, and fire or school districts set the tax rate and conduct assessments, but a taxpayer may only appeal the assessment through the county Board of Taxation, not through the Division.

Trash collection is also an entirely local issue. Questions regarding how and when trash is collected should be directed to the municipality or your privately contracted hauler. Some questions regarding trash procurement may, however, be appropriately directed to the Division.

Although the Division can provide guidance regarding the structure and duties of local officials under different forms of government, certain matters are purely local. In most cases, the Division cannot compel a governing body to act on particular ordinances or resolutions, such as a parking ordinance or adding a new line item.

### Does your question arise under another agency or entity's express jurisdiction?

Having jurisdiction over something means that you have the ability to act. According to the Oxford English Dictionary, jurisdiction is the, "authority that an official organization has to make legal decisions about somebody/something."

Generally speaking, the Division does not have authority over matters pertaining to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., frequently referred to as "the Sunshine Law". Questions regarding the OPMA are appropriately addressed through your solicitor or the county Prosecutor's Office. Recent COVID-19 related public meeting guidance is a notable exception to this rule.

Similarly, the Division does not have jurisdiction over the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. OPRA questions and denial of access complaints are handled by the Government Records Council (GRC). <https://www.state.nj.us/grc/>. The GRC is a separate entity within the Department of Community Affairs.

Finally, if what you're concerned about is potentially a crime, the allegations should be brought to the local police department, county prosecutor's office, or the Attorney General's Office of Public Accountability. The Division can help with process and support if criminal allegations result in local consequences, but prosecution of criminal matters is beyond our jurisdiction.

We hope this primer helps direct your local government inquiries. As always, we look forward to assisting you where we can!