



**STATE OF NEW JERSEY
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October 18, 2007

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since September 27, 2007

Other Cases

The New Jersey Supreme Court has held that an ordinance establishing a new organizational table for the Trenton police department and a salary range for the chief of administrative services has to be submitted to the voters for approval given a properly filed referendum petition. In re Referendum Petition to Repeal Ordinance 04-77. ___ N.J. LEXIS ___ (2008). The Court rejected an argument that "administrative" ordinances were different from "legislative" ordinances and were not subject to referendum petitions; it reasoned that the plain language of the referendum statute, N.J.S.A. 40:69-A-185, applied to all ordinances.

Other Developments

The New Jersey Supreme Court has adopted a new evidentiary rule creating a "Mediator Privilege." New Jersey Rules of Evidence 519. The rule will be effective July 1, 2008. A copy of the rule is attached.

REA:aat
Attachment