

SENATE, No. 3763

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

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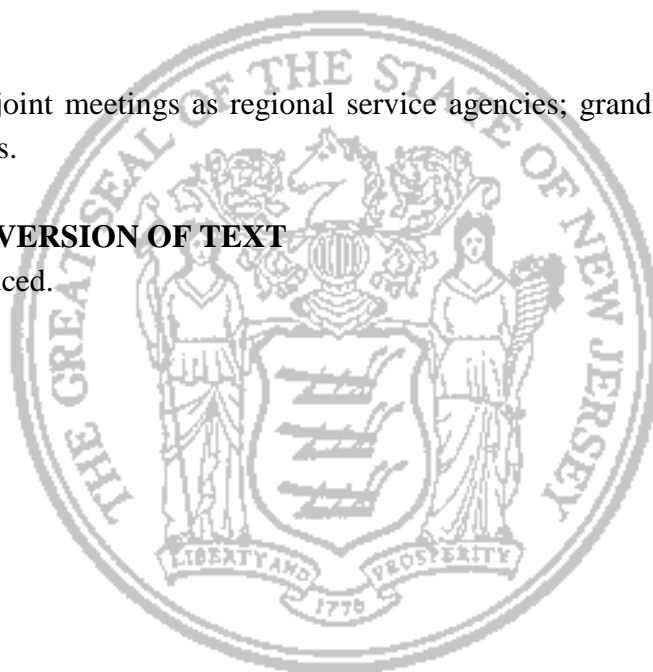
Senator Oroho, Assemblyman Wirths and Assemblywoman Downey

SYNOPSIS

Renames joint meetings as regional service agencies; grandfathers existing joint meetings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT concerning joint meetings and regional service agencies,
2 amending P.L.1960, c.3, and supplementing and amending
3 P.L.2007, c.63.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Whenever the term "joint meeting" as defined
9 in section 3 of P.L.2007, c.63 (C.40A:65-3), and which powers and
10 authority are set forth in section 7 of P.L.1960, c.3 (C.40:48B-2.1)
11 and section 15 of P.L.2007, c.63 (40A:65-15) occurs or any
12 reference is made thereto in any law, contract, or other document,
13 the same shall be deemed to mean or refer to a "regional service
14 agency" as also defined in section 3 of P.L.2007, c.63 (C.40A:65-
15 3), established by joint contract on or after the date of enactment of
16 P.L. , c. (C.) (pending before the Legislature as this bill).

17
18 2. Section 7 of P.L.1960, c.3 (C.40:48B-2.1) is amended to
19 read as follows:

20 7. a. **【The】** A joint meeting or regional service agency, both
21 as defined in section 3 of P.L.2007, c.63 (C.40A:65-3), shall be a
22 public body corporate and politic constituting a political subdivision
23 of the State exercising public and essential governmental functions
24 to provide for the public health and welfare, and qualifies as a
25 "local unit," as defined in section 3 of the "Local Fiscal Affairs
26 Law," N.J.S.40A:5-3. The joint meeting or regional service agency
27 shall have the following powers and authority, which may be
28 exercised by the management committee to the extent provided in
29 the joint contract:

30 (1) To sue and be sued;

31 (2) To acquire and hold real and personal property by deed, gift,
32 grant, lease, purchase, condemnation or otherwise;

33 (3) To enter into any and all contracts or agreements and to
34 execute any and all instruments;

35 (4) To do and perform any and all acts or things necessary,
36 convenient or desirable for the purposes of the joint meeting or
37 regional service agency or to carry out any powers expressly **【given**
38 **in this act】** provided in section 7 of P.L.1960, c.3 (C.40:48B-2.1);

39 (5) To sell real and personal property owned by the joint
40 meeting or regional service agency at public sale;

41 (6) To operate all services, lands, public improvements, works,
42 facilities or undertakings for the purposes and objects of the joint
43 meeting or regional service agency;

44 (7) To enter into a contract or contracts providing for or relating
45 to the use of its services, lands, public improvements, works,

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 facilities or undertakings, or any part thereof, by local units who are
2 not members of the joint meeting or regional service agency, and
3 other persons, upon payment of changes therefor as fixed by the
4 management committee;

5 (8) To receive such State or **【Federal】** federal aids or grants as
6 may be available for the purposes of the joint meeting or regional
7 service agency and to make and perform such agreements and
8 contracts as may be necessary or convenient in connection with the
9 application for, procurement, acceptance or disposition of such
10 State or **【Federal】** federal aids or grants; and

11 (9) To acquire, maintain, use and operate lands, public
12 improvements, works or facilities in any municipality in the State,
13 except where the governing body of such municipality, by
14 resolution adopted within 60 days after receipt of written notice of
15 intention to so acquire, maintain, use or operate, shall find that the
16 same would adversely affect the governmental operations and
17 functions and the exercise of the police powers of such
18 municipality.

19 b. If the governing body of a municipality in which a joint
20 meeting or regional service agency has applied for the location and
21 erection of sewage treatment or solid waste disposal facilities
22 refuses permission therefor or fails to take final action upon the
23 application within 60 days of its filing, the joint meeting or regional
24 service agency may, at any time within 30 days following the date
25 of such refusal or the date of expiration of said period of 60 days,
26 apply to the Department of Environmental Protection, which is
27 authorized, after hearing the joint meeting or regional service
28 agency and the municipality interested, to grant the application for
29 the erection of the sewage treatment or disposal or solid waste
30 treatment or disposal facilities, notwithstanding the aforesaid
31 refusal or failure to act of the governing body, upon being satisfied
32 that the topographical and other physical conditions existing in the
33 local units comprising the joint meeting or regional service agency
34 are such as to make the erection of such facilities within its
35 boundaries impracticable as an improvement for the benefit of the
36 whole applying joint meeting or regional service agency.

37 (cf: P.L.1973, c.208, s.13)

38

39 3. Section 3 of P.L.2007, c.63 (C.40A:65-3) is amended to read
40 as follows:

41 3. As used in sections 1 through 35 of P.L.2007, c.63
42 (C.40A:65-1 through C.40A:65-35):

43 "Board" means the Local Finance Board in the Division of Local
44 Government Services in the Department of Community Affairs.

45 "Construct" and "construction" connote and include acts of
46 construction, reconstruction, replacement, extension, improvement
47 and betterment of lands, public improvements, works, facilities,
48 services or undertakings.

1 "Contracting local units" means local units participating in a
2 joint meeting or regional service agency.

3 "Director" means the Director of the Division of Local
4 Government Services in the Department of Community Affairs.

5 "Division" means the Division of Local Government Services in
6 the Department of Community Affairs.

7 "Governing body" means the board, commission, council, or
8 other body having the control of the finances of a local unit; and in
9 those local units in which an executive officer is authorized by law
10 to participate in such control through powers of recommendation,
11 approval, or veto, the term includes that executive officer, to the
12 extent of the officer's statutory participation.

13 "Joint contract" means: (1) an agreement between two or more
14 local units to form a joint meeting , entered into before the date of
15 enactment of P.L. , c. (C.) (pending before the Legislature
16 as this bill); or (2) an agreement between two or more local units to
17 form a regional service agency, entered into on or after the date of
18 enactment of P.L. , c. (C.) (pending before the Legislature
19 as this bill).

20 "Joint meeting" means the joint operation of any public services,
21 public improvements, works, facilities, or other undertaking by
22 contracting local units pursuant to a joint contract under section 14
23 of P.L.2007, c.63 (C.40A:65-14) , entered into before the date of
24 enactment of P.L. , c. (C.) (pending before the Legislature
25 as this bill.

26 "Local unit" means a "contracting unit" pursuant to section 2 of
27 P.L.1971, c.198 (C.40A:11-2), a "district" pursuant to
28 N.J.S.18A:18A-2, a "county college" pursuant to N.J.S.18A:64A-1,
29 a joint meeting or regional service agency, as defined in this
30 section, or any authority or special district that is subject to the
31 "Local Authorities Fiscal Control Law," P.L.1983, c.313
32 (C.40A:5A-1 et seq.).

33 "Operate" and "operation" mean and include acquisition,
34 construction, maintenance, management, and administration of any
35 lands, public improvements, works, facilities, services, or
36 undertakings.

37 "Person" means any person, association, corporation, nation,
38 State, or any agency or subdivision thereof, or a county or
39 municipality of the State.

40 "Regional service agency" means the joint operation of any
41 public services, public improvements, works, facilities, or other
42 undertaking by contracting local units pursuant to a joint contract
43 under section 14 of P.L.2007, c.63 (C.40A:65-14), entered into on
44 or after the date of enactment of P.L. , c. (C.) (pending
45 before the Legislature as this bill.

46 "Service" means any of the powers, duties and functions
47 exercised or performed by a local unit by or pursuant to law.

1 "Shared service" or "shared" means any service provided on a
2 regional, joint, interlocal, shared, or similar basis between local
3 units, the provisions of which are memorialized by agreement
4 between the participating local units, but, for the purposes of this
5 act, does not include any specific service or activity regulated by
6 some other law, rule or regulation.

7 "Shared service agreement" or "agreement" means a contract
8 authorized under section 4 of P.L.2007, c.63 (C.40A:65-4).

9 "Terminal leave benefit" means a single, lump sum payment,
10 paid at termination, calculated using the regular base salary at the
11 time of termination.

12 (cf: P.L.2007, c.63, s.3)

13

14 4. Section 10 of P.L.2007, c.63 (C.40A:65-10) is amended to
15 read as follows:

16 10. In the event that any authority, board, commission, district,
17 joint meeting, regional service agency, or other body created by one
18 or more local units proposes to enter into a contract under sections 1
19 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.), whereby that entity
20 agrees to have performed on its behalf services, the cost of which
21 shall equal one-half or more of the total costs of the services being
22 performed by that entity immediately prior to the adoption of the
23 proposed contract, then the contract shall require approval by
24 resolution of the governing body of each local unit which created
25 the entity or which has become a participant therein subsequent to
26 its creation.

27 (cf: P.L.2007, c.63, s.10)

28

29 5. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to
30 read as follows:

31 11. a. When a local unit contracts, through a shared service
32 **【or】** , joint meeting, or regional service agency to have another
33 local unit **【or a】** , joint meeting , or regional service agency provide
34 a service it is currently providing using public employees and one
35 or more of the local units have adopted Title 11A, Civil Service,
36 then the agreement shall include an employment reconciliation plan
37 in accordance with this section that **【and, if one or more of the local**
38 **units have adopted Title 11A, Civil Service,】** shall specifically set
39 forth the intended jurisdiction of the Civil Service Commission. An
40 employment reconciliation plan shall be subject to the following
41 provisions:

42 (1) a determination of those employees, if any, that shall be
43 transferred to the providing local unit, retained by the recipient
44 local unit, or terminated from employment for reasons of economy
45 or efficiency, subject to the provisions of any existing collective
46 bargaining agreements within the local units.

47 (2) any employee terminated for reasons of economy or
48 efficiency by the local unit providing the service under the shared

1 service agreement shall be given a terminal leave payment of not
2 less than a period of one month for each five-year period of past
3 service as an employee with the local unit, or other enhanced
4 benefits that may be provided or negotiated. For the purposes of
5 this paragraph, "terminal leave payment" means a single, lump sum
6 payment, paid at termination, calculated using the regular base
7 salary at the time of termination. Unless otherwise negotiated or
8 provided by the employer, a terminal leave benefit shall not include
9 extended payment, or payment for retroactive salary increases,
10 bonuses, overtime, longevity, sick leave, accrued vacation or other
11 time benefit, or any other benefit.

12 (3) the Civil Service Commission shall place any employee that
13 has permanent status pursuant to Title 11A, Civil Service, of the
14 New Jersey Statutes that is terminated for reasons of economy or
15 efficiency at any time by either local unit on a special
16 reemployment list for any civil service employer within the county
17 of the agreement or any political subdivision therein.

18 (4) when a proposed shared service agreement affects
19 employees in local units subject to Title 11A, Civil Service, of the
20 New Jersey Statutes, an employment reconciliation plan shall be
21 filed with the Civil Service Commission prior to the approval of the
22 shared service agreement. The commission shall review it for
23 consistency with this section within 45 days of receipt and it shall
24 be deemed approved, subject to approval of the shared service
25 agreement by the end of that time, unless the commission has
26 responded with a denial or conditions that must be met in order for
27 it to be approved.

28 (5) when an action is required of the Civil Service Commission
29 by this section, parties to a planned shared service agreement may
30 consult with that commission in advance of the action and the
31 commission shall provide such technical support as may be
32 necessary to assist in the preparation of an employment
33 reconciliation plan or any other action required of the commission
34 by this section.

35 b. If all the local units that are parties to the agreement are
36 subject to the provisions of Title 11A, Civil Service, of the New
37 Jersey Statutes, the Civil Service Commission shall create an
38 implementation plan for the agreement that will: (1) transfer
39 employees with current status in current title unless reclassified, or
40 (2) reclassify employees into job titles that best reflect the work to
41 be performed. The Civil Service Commission shall review whether
42 any existing hiring or promotional lists should be merged,
43 inactivated, or re-announced. Non-transferred employees shall be
44 removed or suspended only for good cause and after the opportunity
45 for a hearing before the Civil Service Commission; provided,
46 however, that they may be laid-off in accordance with the
47 provisions of N.J.S.11A:8-1 et seq., and the regulations
48 promulgated thereunder. The final decision of which employees

1 shall transfer to the new employer is vested solely with the local
2 unit that will provide the service and subject to the provisions of
3 any existing collective bargaining agreements within the local units.

4 c. If the local unit that will provide the service pursuant to a
5 shared service agreement is subject to Title 11A, Civil Service, of
6 the New Jersey Statutes, but the local unit to receive the service is
7 not subject to that Title, and the contracting local units desire that
8 some or all employees of the recipient local unit are to be
9 transferred to the providing local unit, the Civil Service
10 Commission shall vest only those employees who have been
11 employed for one year or more in permanent status pursuant to
12 N.J.S.11A:9-9 in appropriate titles, seniority, and tenure with the
13 providing local unit based on the duties of the position. The final
14 decision of which employees shall transfer to the new employer is
15 vested solely with the local unit that will provide the service and
16 subject to the provisions of any existing collective bargaining
17 agreements within the local units.

18 d. If the local unit that will provide the service is not subject to
19 the provisions of Title 11A, Civil Service, of the New Jersey
20 Statutes, but the local unit that will receive the service is subject to
21 that Title and the parties desire that some or all employees of the
22 recipient local unit are to be transferred to the providing local unit,
23 the transferred employees shall be granted tenure in office and shall
24 only be removed or suspended for good cause and after a hearing;
25 provided, however, that they may be laid-off in accordance with the
26 provisions of N.J.S.11A:8-1 et seq., and the regulations
27 promulgated thereunder. The transferred employees shall be
28 subject to layoff procedures prior to the transfer to the new entity.
29 Once transferred, they will be subject to any employment contracts
30 and provisions that exist for the new entity. The final decision of
31 which employees shall transfer to the new employer is vested solely
32 with the local unit that will provide the service and subject to the
33 provisions of any existing collective bargaining agreements within
34 the local units.

35 (cf: P.L.2008, c.29, s.101)

36

37 6. Section 14 of P.L.2007, c.63 (40A:65-14) is amended to read
38 as follows:

39 14. a. The governing bodies of any two or more local units
40 may enter into a joint contract, for a period not to exceed 40 years,
41 to provide for the formation of a joint meeting or regional service
42 agency for the joint operation of any public services, public
43 improvements, works, facilities, or undertakings which the local
44 units are empowered to operate. The contract shall be entered into
45 in accordance with the procedures set forth in subsection b. of
46 section 16 of **【this act】** P.L.2007, c.63 (C.40A:65-16).

47 b. A joint contract may provide for joint services for any
48 services which any contracting local unit, on whose behalf those

1 services are to be performed, is legally authorized to provide for
2 itself. Those services include, but are not limited to, general
3 government administration, health, police and fire protection, code
4 enforcement, assessment and collection of taxes, financial
5 administration, environmental protection, joint municipal courts,
6 and youth, senior citizens and social welfare programs.

7 c. The joint contract shall set forth the public services, public
8 improvements, works, facilities, or undertakings which the
9 contracting local units desire to operate jointly, and shall provide in
10 general terms the manner in which the public services, public
11 improvements, works, facilities or undertakings shall be jointly
12 operated, and the respective duties and responsibilities of the
13 contracting local units.

14 d. No joint contract pursuant to this section shall authorize the
15 operation of any property or service defined as a "public utility" by
16 R.S.48:2-13, except as may otherwise be provided by law.

17 (cf: P.L.2007, c.63, s.14)

18

19 7. Section 15 of P.L.2007, c.63 (C.40A:65-15) is amended to
20 read as follows:

21 15. a. A joint meeting or regional service agency is a public
22 body corporate and politic constituting a political subdivision of the
23 State for the exercise of public and essential governmental
24 functions to provide for the public health and welfare, and qualifies
25 as a "local unit," as defined in section 3 of the "Local Fiscal Affairs
26 Law," N.J.S.40A:5-3.

27 b. A joint meeting or regional service agency has the following
28 powers and authority, which may be exercised by its management
29 committee to the extent provided for in the joint contract:

30 (1) to sue and be sued;

31 (2) to acquire and hold real and personal property by deed, gift,
32 grant, lease, purchase, condemnation or otherwise;

33 (3) to enter into any and all contracts or agreements and to
34 execute any and all instruments;

35 (4) to do and perform any and all acts or things necessary,
36 convenient or desirable for the purposes of the joint meeting or
37 regional service agency or to carry out any powers expressly given
38 in sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through
39 C.40A:65-35);

40 (5) to sell real and personal property owned by the joint meeting
41 or regional service agency at public sale;

42 (6) to operate all services, lands, public improvements, works,
43 facilities or undertakings for the purposes and objects of the joint
44 meeting or regional service agency;

45 (7) to enter into a contract or contracts providing for or relating
46 to the use of its services, lands, public improvements, works,
47 facilities or undertakings, or any part thereof, by local units who are
48 not members of the joint meeting or regional service agency, and

1 other persons, upon payment of charges therefor as fixed by the
2 management committee;

3 (8) to receive whatever State or federal aid or grants that may be
4 available for the purposes of the joint meeting or regional service
5 agency and to make and perform any agreements and contracts that
6 are necessary or convenient in connection with the application for,
7 procurement, acceptance, or disposition of such State or federal aid
8 or grants; and

9 (9) to acquire, maintain, use, and operate lands, public
10 improvements, works, or facilities in any municipality in the State,
11 except where the governing body of the municipality, by resolution
12 adopted within 60 days after receipt of written notice of intention to
13 so acquire, maintain, use, or operate, shall find that the same would
14 adversely affect the governmental operations and functions and the
15 exercise of the police powers of that municipality.

16 c. If the governing body of a municipality in which a joint
17 meeting or regional service agency has applied for the location and
18 erection of sewage treatment or solid waste disposal facilities
19 refuses permission therefor, or fails to take final action upon the
20 application within 60 days of its filing, the joint meeting or regional
21 service agency may, at any time within 30 days following the date
22 of such refusal or the date of expiration of the 60-day period, apply
23 to the Department of Environmental Protection for relief. That
24 department is authorized, after hearing the joint meeting or regional
25 service agency and the interested municipality, to grant the
26 application for the erection of the sewage treatment or disposal or
27 solid waste treatment or disposal facilities, notwithstanding the
28 refusal or failure to act of the municipal governing body, upon
29 being satisfied that the topographical and other physical conditions
30 existing in the local units comprising the joint meeting or regional
31 service agency are such as to make the erection of such facilities
32 within its boundaries impracticable as an improvement for the
33 benefit of the whole applying joint meeting or regional service
34 agency.

35 (cf: P.L.2007, c.63, s.15.)

36

37 8. Section 16 of P.L.2007, c.63 (40A:65-16) is amended to read
38 as follows:

39 16. a. The joint contract shall provide for the operation of the
40 public services, public improvements, works, facilities, or
41 undertakings of the joint meeting or regional service agency, for the
42 apportionment of the costs and expenses of operation required
43 therefor among the contracting local units, for the addition of other
44 local units as members of the joint meeting or regional service
45 agency, for the terms and conditions of continued participation and
46 discontinuance of participation in the joint meeting or regional
47 service agency by the contracting local units, and for such other
48 terms and conditions as may be necessary or convenient for the

1 purposes of the joint meeting or regional service agency. The
2 apportionment of costs and expenses may be based upon assessed
3 valuations, population, and such other factor or factors, or any
4 combination thereof, as may be provided in the joint contract.

5 b. (1) Notwithstanding any law to the contrary concerning
6 approval of contracts, the joint contract shall be subject to approval
7 by resolution of the governing bodies of each of the local units prior
8 to its execution by the official or officials who are authorized to
9 execute a joint contract.

10 (2) The joint contract shall specify the name by which the joint
11 meeting or regional service agency shall be known.

12 (3) The joint contract may be amended from time to time by
13 agreement of the parties thereto, in the same manner as the original
14 contract was authorized and approved.

15 (4) A copy of every resolution creating a joint meeting or
16 regional service agency, and every amendment thereto, shall be
17 forthwith filed with the director.

18 (cf: P.L.2007, c.63, s.16)

19

20 9. Section 18 of P.L.2007, c.63 (C.40A:65-18) is amended to
21 read as follows:

22 18. a. When a joint meeting or regional service agency merges
23 bargaining units that have current contracts negotiated in
24 accordance with the provisions of the "New Jersey Employer-
25 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the
26 terms and conditions of the existing contracts shall apply to the
27 rights of the members of the respective bargaining units until a new
28 contract is negotiated, reduced to writing, and signed by the parties
29 as provided pursuant to law and regulation promulgated thereunder.

30 b. The Public Employment Relations Commission is
31 specifically authorized to provide technical advice, pursuant to
32 section 12 of P.L.1968, c.303 (C.34:13A-8.3), and mediation
33 services to integrate separate labor agreements into single
34 agreements for the joint contract. The commission may order
35 binding arbitration, pursuant to P.L.1995, c.425 (C.34:13A-14a et
36 al.), to integrate any labor agreement.

37 (cf: P.L.2007, c.63, s.18)

38

39 10. Section 19 of P.L.2007, c.63 (C.40A:65-19) is amended to
40 read as follows:

41 19. a. When a local unit agrees to participate in a joint meeting
42 or regional service agency that will provide a service that the local
43 unit is currently providing itself through public employees, the
44 agreement shall include an employment reconciliation plan in
45 accordance with this section. An employment reconciliation plan
46 shall be subject to the following provisions:

1 (1) a determination of those employees, if any, that shall be
2 transferred to the joint meeting or regional service agency, retained
3 by the contracting local unit, or terminated from employment for
4 reasons of economy or efficiency subject to the provisions of any
5 collective bargaining agreements within the local units.

6 (2) any employee terminated for reasons of economy or
7 efficiency by the contracting local unit providing the service or by
8 the joint meeting or regional service agency shall be given a
9 terminal leave payment of not less than a period of one month for
10 each five-year period of past service as an employee with the local
11 unit, or other enhanced benefits that may be provided or negotiated.
12 Unless otherwise negotiated or provided by the employer, a
13 terminal leave benefit shall not include extended payment, or
14 payment for retroactive salary increases, bonuses, overtime,
15 longevity, sick leave, accrued vacation or other time benefit, or any
16 other benefit.

17 (3) the Civil Service Commission shall place any employee that
18 has permanent status pursuant to Title 11A, Civil Service, of the
19 New Jersey Statutes that is terminated for reasons of economy or
20 efficiency at any time by either local unit on a special
21 reemployment list for any civil service employer within the county
22 of the agreement or any political subdivision therein.

23 (4) when a proposed joint contract affects employees in local
24 units that operate under the provisions of Title 11A, Civil Service,
25 of the New Jersey Statutes, an employment reconciliation plan shall
26 be filed with the Civil Service Commission prior to the approval of
27 the joint meeting or regional service agency agreement. That
28 commission shall review the plan for consistency with this section
29 within 45 days of receipt and it shall be deemed approved, subject
30 to approval of the joint meeting or regional service agency
31 agreement by the end of that time, unless that commission has
32 responded with a denial or conditions that must be met in order for
33 it to be approved.

34 (5) when an action is required of the Civil Service Commission
35 by this section, parties to a proposed joint contract may consult with
36 the commission in advance of the action and the commission shall
37 provide such technical support as may be necessary to assist in the
38 preparation of an employment reconciliation plan or any other
39 action required of the commission by this section.

40 b. If both the local unit and joint meeting or regional service
41 agency operate under the provisions of Title 11A, Civil Service, of
42 the New Jersey Statutes, the Civil Service Commission shall create
43 an implementation plan for employees to be hired by the joint
44 meeting or regional service agency that will: (1) transfer employees
45 with current status in current title unless reclassified or (2)
46 reclassify employees, if necessary, into job titles that best reflect the
47 work to be performed. The Civil Service Commission shall review
48 whether any existing hiring or promotional lists should be merged,

1 inactivated, or re-announced. Non-transferred employees shall be
2 removed or suspended only for good cause and after the opportunity
3 for a hearing before the Civil Service Commission; provided,
4 however, that they may be laid-off in accordance with the
5 provisions of N.J.S.11A:8-1 et seq., and the regulations
6 promulgated thereunder. The final decision of which employees
7 shall transfer to the new employer is vested solely with the local
8 unit that will provide the service and subject to the provisions of
9 any existing collective bargaining agreements within the local units.

10 c. If the joint meeting or regional service agency operates
11 under the provisions of Title 11A, Civil Service, of the New Jersey
12 Statutes, and a local unit receiving the service is not subject to that
13 Title, and the parties desire that some or all employees of the local
14 unit be transferred to the joint meeting or regional service agency,
15 the Civil Service Commission shall vest only those employees who
16 have been employed one year or more in permanent status pursuant
17 to N.J.S.40A:9-9 in appropriate titles, seniority, and tenure with the
18 providing local unit based on the duties of the position. The final
19 decision of which employees shall transfer to the new employer is
20 vested solely with the joint meeting or regional service agency and
21 subject to the agreements affecting the parties, provided that those
22 agreements do not conflict with the provisions of any existing
23 collective bargaining agreements within the local units.

24 d. (1) If the joint meeting or regional service agency does not
25 operate under the provisions of Title 11A, Civil Service, of the New
26 Jersey Statutes, and the local unit receiving the service is subject to
27 that Title, and the parties desire that some or all employees of the
28 recipient local unit are to be transferred to the joint meeting or
29 regional service agency, then the transferred employees shall be
30 granted tenure in office and shall be removed or suspended only for
31 good cause and after a hearing. The transferred employees shall be
32 subject to layoff procedures prior to the transfer to the new entity.
33 Once transferred, they will be subject to any employment contracts
34 and provisions that exist for the new entity. The final decision of
35 which employees shall transfer to the joint meeting or regional
36 service agency is vested solely with the joint meeting or regional
37 service agency and subject to the provisions of any existing
38 collective bargaining agreements within the local units.

39 (2) A joint meeting or regional service agency established after
40 the effective date of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1
41 et al.) that affects both employees in local units subject to Title
42 11A, Civil Service, of the New Jersey Statutes and employees in
43 local units not subject to that Title, shall determine whether the
44 employees of the joint meeting or regional service agency shall be
45 subject to the Title. If the joint meeting or regional service agency
46 determines that the employees shall not be subject to Title 11A,
47 Civil Service, of the New Jersey Statutes, then the employees from
48 the local units in which the Title is in effect shall have the same

1 rights as employees transferred pursuant to paragraph (1) of this
2 subsection.

3 (cf: P.L.2008, c.29, s.102)

4

5 11. Section 20 of P.L.2007, c.63 (C.40A:65-20) is amended to
6 read as follows:

7 20. a. The joint contract shall provide for the constitution and
8 appointment of a management committee to consist of at least three
9 members, of which one shall be appointed by the governing body of
10 each of the local units executing the joint contract. The members
11 shall be residents of the appointing local unit, except that a member
12 who is the chief financial officer, business administrator, municipal
13 administrator, or municipal manager of the local unit making the
14 appointment need not be a resident of the appointing local unit.
15 The appointees may or may not be members of the appointing
16 governing body. Each member of the management committee shall
17 hold office for the term of one year and until the member's
18 successor has been appointed and qualified. In the event that there
19 is an even number of local units that are parties to the joint contract,
20 the management committee shall consist of one member appointed
21 by each of the governing bodies and one member selected by the
22 two other appointed members.

23 b. The management committee shall elect annually from among
24 its members a chair to preside over its meetings. The management
25 committee may appoint such other officers and employees,
26 including counsel, who need not be members of the management
27 committee or members of the governing bodies or employees or
28 residents of the local units, as it may deem necessary. The
29 employees appointed by the management committee shall hold
30 office for such term not exceeding four years as may be provided by
31 the joint contract. The management committee shall adopt rules
32 and regulations to provide for the conduct of its meetings and the
33 duties and powers of the chairman and such other officers and
34 employees as may be appointed. All actions of the management
35 committee shall be by vote of the majority of the entire membership
36 of the committee, except for those matters for which the contract
37 requires a greater number, and shall be binding on all local units
38 who have executed the joint contract. The management committee
39 shall exercise all of the powers of the joint meeting or regional
40 service agency subject to the provisions of the joint contract.

41 The joint contract may provide for the delegation of the
42 administration of any or all of the services, lands, public
43 improvements, works, facilities or undertakings of the joint meeting
44 or regional service agency to the governing body of any one of the
45 several contracting local units, in which event such governing body
46 shall have and exercise all of the powers and authority of the
47 management committee with respect to such delegated functions.

48 (cf: P.L.2007, c.63, s.20)

1 12. Section 30 of P.L.2007, c.63 (C.40A:65-30) is amended to
2 read as follows:

3 30. a. A local unit that plans to study the feasibility of a shared
4 service agreement, joint **【meeting】** contract, or municipal
5 consolidation may apply to the director for grants or loans to fund
6 the study, including consultant costs, and to fund one-time start-up
7 costs of a shared service agreement or joint **【meeting】** contract or
8 municipal consolidation. The director, in consultation with the
9 Commissioner of Education, shall establish a program to be known
10 as the "Sharing Available Resources Efficiently" program, or
11 "SHARE," to accomplish this purpose, and, in consultation with the
12 commissioner, shall promulgate rules and regulations necessary to
13 effectuate the purposes of the program.

14 b. The director, in consultation with the commissioner, shall
15 provide guidelines and procedures for the submission of SHARE
16 grant and loan applications.

17 c. Applications for shared service study funds:

18 (1) May require such local match of funds, as is determined by
19 the director for the studies if the director finds that the local unit is
20 financially capable of providing such matching funds.

21 (2) Shall not require a local match of funds for consolidation
22 studies under sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.)
23 or the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-
24 66.35 et al.).

25 (3) Grants for implementation of shared services may include
26 financial assistance for terminal leave benefits, but not for early
27 retirement incentives related to pension contributions.

28 d. Applications for one-time start-up costs shall provide that:

29 (1) Local units may apply for financial assistance for the one-
30 time start-up costs necessary to implement shared services. Costs
31 that may be financed through the issuance of debt or capital lease
32 agreements shall be excluded from this program.

33 (2) The director may set limits on aid awards and negotiate the
34 various provisions, costs, payment provisions, and amounts of
35 grants or loans to ensure that the shared service is cost effective and
36 in the public interest. Financial assistance for costs associated with
37 terminal leave benefits shall be limited to the lesser of the officer or
38 employee's regular base rate of compensation that is paid for the
39 terminal leave benefit pursuant to an applicable employment
40 contract, local practice, local ordinance, or State law.

41 e. The director may provide technical support programs to
42 assist local units in applying for grants or aid for studying shared
43 services.

44 (cf: P.L.2007, c.63, s.30)

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46 13. Section 32 of P.L.2007, c.63 (C.40A:65-32) is amended to
47 read as follows:

1 32. The governing body of a municipality may adopt, at any
2 regular meeting, a resolution requesting the clerk of the county to
3 print upon the official ballots to be used at the next ensuing regular
4 or general election, as appropriate, a certain proposition to authorize
5 the creation of a citizen's commission, consisting of members of the
6 governing body, appropriate municipal officials such as the
7 municipal purchasing agent, and at least an equal number of
8 residents of the municipality, and to identify and implement shared
9 service, joint meeting, regional service agency, or consolidation
10 opportunities for the municipality. The proposition shall be
11 formulated and expressed in the resolution in concise form and filed
12 with the clerk of the county not later than 74 days previous to the
13 election. If approved by a majority of those voting at the election,
14 the proposition shall be binding and shall constitute the authority
15 for the governing body to appoint members to the citizen's
16 commission and provide resources as it deems necessary.

17 (cf: P.L.2007, c.63, s.32)

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19 14. Section 34 of P.L.2007, c.63 (C.40A:65-34) is amended to
20 read as follows:

21 34. a. Any shared service **【or】** agreement, joint **【meeting**
22 **agreement】** contract, or municipal consolidation shall be deemed in
23 furtherance of the public good and presumed valid, subject to a
24 rebuttable presumption of good faith on the part of the governing
25 bodies entering into the agreement.

26 b. With regard to any responsibilities assigned to the Public
27 Employment Relations Commission pursuant to sections 1 to 37 of
28 P.L.2007, c.63 (C.40A:65-1 et al.):

29 (1) The commission may promulgate rules or regulations to
30 effectuate the purposes of sections 1 to 37 of P.L.2007, c.63
31 (C.40A:65-1 et al.).

32 (2) The commission may establish a fee schedule to cover the
33 costs of effectuating its services; provided, however, that the fees so
34 assessed shall not exceed the commission's actual cost of
35 effectuating those provisions.

36 (3) Within 14 days of receiving a decision, a party aggrieved by
37 a decision of a mediator or arbitrator assigned by the commission
38 may file notice of an appeal of an award to the commission. In
39 deciding an appeal, the commission, pursuant to rule and regulation
40 and upon petition, may afford the parties the opportunity to present
41 oral arguments. The commission may affirm, modify, correct or
42 vacate the award or may, at its discretion, remand the award to the
43 same arbitrator or to another arbitrator, selected by lot, for
44 reconsideration. An aggrieved party may appeal a decision of the
45 commission to the Appellate Division of the Superior Court.

46 (cf: P.L.2007, c.63, s.34)

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48 15. This act shall take effect immediately.

STATEMENT

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This bill amends the “Uniform Shared Services and Consolidation Act” (USSCA) and other statutory law to change the name of “joint meetings” to “regional service agencies” to better reflect the purpose and operation of these entities.

Under the provisions of the bill, a “regional service agency” would have the same definition and the same powers and authority as a “joint meeting.” The bill provides that on or after its effective date, any joint contract entered into by two or more local units would form a regional service agency, rather than a joint meeting. Any joint meetings created by joint contract prior to the enactment of the bill would continue and would be governed in the same manner by the USSCA as regional service agencies.

Current law provides that joint meetings are the joint operation of any public services, public improvements, works, facilities, or other undertaking by contracting local units pursuant to a joint contract. A joint meeting is a public body corporate and politic constituting a political subdivision of the State for the exercise of public and essential governmental functions to provide for the public health and welfare. A joint meeting has the following powers and authority, which may be exercised by its management committee to the extent provided for in the joint contract:

- (1) to sue and be sued;
- (2) to acquire and hold real and personal property by deed, gift, grant, lease, purchase, condemnation or otherwise;
- (3) to enter into any and all contracts or agreements and to execute any and all instruments;
- (4) to do and perform any and all acts or things necessary, convenient or desirable for the purposes of the joint meeting or to carry out any powers expressly provided under the USCAA.
- (5) to sell real and personal property owned by the joint meeting at public sale;
- (6) to operate all services, lands, public improvements, works, facilities or undertakings for the purposes and objects of the joint meeting;
- (7) to enter into a contract or contracts providing for or relating to the use of its services, lands, public improvements, works, facilities or undertakings, or any part thereof, by local units who are not members of the joint meeting, and other persons, upon payment of charges therefor as fixed by the management committee;
- (8) to receive whatever State or federal aid or grants that may be available for the purposes of the joint meeting and to make and perform any agreements and contracts that are necessary or convenient in connection with the application for, procurement, acceptance, or disposition of such State or federal aid or grants; and
- (9) to acquire, maintain, use, and operate lands, public improvements, works, or facilities in any municipality in the State,

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1 except where the governing body of the municipality, by resolution
2 adopted within 60 days after receipt of written notice of intention to
3 so acquire, maintain, use, or operate, finds that the same would
4 adversely affect the governmental operations and functions and the
5 exercise of the police powers of that municipality.

6 Under the bill, this definition and these powers and authority
7 also would apply to regional service agencies. Additionally, the bill
8 clarifies that joint meetings and regional service agencies are
9 subject to the “Local Fiscal Affairs Law. “