

P.L. 2019, CHAPTER 433, *approved January 21, 2020*
Senate, No. 3763

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;

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

4 (7) To enter into a contract or contracts providing for or relating
5 to the use of its services, lands, public improvements, works,
6 facilities or undertakings, or any part thereof, by local units who are
7 not members of the joint meeting or regional service agency, and
8 other persons, upon payment of charges therefor as fixed by the
9 management committee;

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

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

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

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

43
44 3. Section 3 of P.L.2007, c.63 (C.40A:65-3) is amended to read
45 as follows:

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

1 "Board" means the Local Finance Board in the Division of Local
2 Government Services in the Department of Community Affairs.

3 "Construct" and "construction" connote and include acts of
4 construction, reconstruction, replacement, extension, improvement
5 and betterment of lands, public improvements, works, facilities,
6 services or undertakings.

7 "Contracting local units" means local units participating in a
8 joint meeting or regional service agency.

9 "Director" means the Director of the Division of Local
10 Government Services in the Department of Community Affairs.

11 "Division" means the Division of Local Government Services in
12 the Department of Community Affairs.

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

19 "Joint contract" means: (1) an agreement between two or more
20 local units to form a joint meeting , entered into before the date of
21 enactment of P.L. , c. (C.) (pending before the Legislature
22 as this bill); or (2) an agreement between two or more local units to
23 form a regional service agency, entered into on or after the date of
24 enactment of P.L. , c. (C.) (pending before the Legislature
25 as this bill).

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

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

39 "Operate" and "operation" mean and include acquisition,
40 construction, maintenance, management, and administration of any
41 lands, public improvements, works, facilities, services, or
42 undertakings.

43 "Person" means any person, association, corporation, nation,
44 State, or any agency or subdivision thereof, or a county or
45 municipality of the State.

46 "Regional service agency" means the joint operation of any
47 public services, public improvements, works, facilities, or other
48 undertaking by contracting local units pursuant to a joint contract

1 under section 14 of P.L.2007, c.63 (C.40A:65-14), entered into on
2 or after the date of enactment of P.L. , c. (C.) (pending
3 before the Legislature as this bill.

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

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

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

14 "Terminal leave benefit" means a single, lump sum payment,
15 paid at termination, calculated using the regular base salary at the
16 time of termination.

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

18
19 4. Section 10 of P.L.2007, c.63 (C.40A:65-10) is amended to
20 read as follows:

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

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

33
34 5. Section 11 of P.L.2007, c.63 (C.40A:65-11) is amended to
35 read as follows:

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

47 (1) a determination of those employees, if any, that shall be
48 transferred to the providing local unit, retained by the recipient

1 local unit, or terminated from employment for reasons of economy
2 or efficiency, subject to the provisions of any existing collective
3 bargaining agreements within the local units.

4 (2) any employee terminated for reasons of economy or
5 efficiency by the local unit providing the service under the shared
6 service agreement shall be given a terminal leave payment of not
7 less than a period of one month for each five-year period of past
8 service as an employee with the local unit, or other enhanced
9 benefits that may be provided or negotiated. For the purposes of
10 this paragraph, "terminal leave payment" means a single, lump sum
11 payment, paid at termination, calculated using the regular base
12 salary at the time of termination. Unless otherwise negotiated or
13 provided by the employer, a terminal leave benefit shall not include
14 extended payment, or payment for retroactive salary increases,
15 bonuses, overtime, longevity, sick leave, accrued vacation or other
16 time benefit, or any 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 shared service agreement affects
24 employees in local units subject to Title 11A, Civil Service, of the
25 New Jersey Statutes, an employment reconciliation plan shall be
26 filed with the Civil Service Commission prior to the approval of the
27 shared service agreement. The commission shall review it for
28 consistency with this section within 45 days of receipt and it shall
29 be deemed approved, subject to approval of the shared service
30 agreement by the end of that time, unless the commission has
31 responded with a denial or conditions that must be met in order for
32 it to be approved.

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

40 b. If all the local units that are parties to the agreement are
41 subject to the provisions of Title 11A, Civil Service, of the New
42 Jersey Statutes, the Civil Service Commission shall create an
43 implementation plan for the agreement that will: (1) transfer
44 employees with current status in current title unless reclassified, or
45 (2) reclassify employees into job titles that best reflect the work to
46 be performed. The Civil Service Commission shall review whether
47 any existing hiring or promotional lists should be merged,
48 inactivated, or re-announced. Non-transferred employees shall be

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

9 c. If the local unit that will provide the service pursuant to a
10 shared service agreement is subject to Title 11A, Civil Service, of
11 the New Jersey Statutes, but the local unit to receive the service is
12 not subject to that Title, and the contracting local units desire that
13 some or all employees of the recipient local unit are to be
14 transferred to the providing local unit, the Civil Service
15 Commission shall vest only those employees who have been
16 employed for one year or more in permanent status pursuant to
17 N.J.S.11A: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 local unit that will provide the service and
21 subject to the provisions of any existing collective bargaining
22 agreements within the local units.

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

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

41
42 6. Section 14 of P.L.2007, c.63 (40A:65-14) is amended to read
43 as follows:

44 14. a. The governing bodies of any two or more local units
45 may enter into a joint contract, for a period not to exceed 40 years,
46 to provide for the formation of a joint meeting or regional service
47 agency for the joint operation of any public services, public
48 improvements, works, facilities, or undertakings which the local

1 units are empowered to operate. The contract shall be entered into
2 in accordance with the procedures set forth in subsection b. of
3 section 16 of **【this act】 P.L.2007, c.63** (C.40A:65-16).

4 b. A joint contract may provide for joint services for any
5 services which any contracting local unit, on whose behalf those
6 services are to be performed, is legally authorized to provide for
7 itself. Those services include, but are not limited to, general
8 government administration, health, police and fire protection, code
9 enforcement, assessment and collection of taxes, financial
10 administration, environmental protection, joint municipal courts,
11 and youth, senior citizens and social welfare programs.

12 c. The joint contract shall set forth the public services, public
13 improvements, works, facilities, or undertakings which the
14 contracting local units desire to operate jointly, and shall provide in
15 general terms the manner in which the public services, public
16 improvements, works, facilities or undertakings shall be jointly
17 operated, and the respective duties and responsibilities of the
18 contracting local units.

19 d. No joint contract pursuant to this section shall authorize the
20 operation of any property or service defined as a "public utility" by
21 R.S.48:2-13, except as may otherwise be provided by law.
22 (cf: P.L.2007, c.63, s.14)

23

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

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

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

35 (1) to sue and be sued;

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

38 (3) to enter into any and all contracts or agreements and to
39 execute any and all instruments;

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

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

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

4 (7) to enter into a contract or contracts providing for or relating
5 to the use of its services, lands, public improvements, works,
6 facilities or undertakings, or any part thereof, by local units who are
7 not members of the joint meeting or regional service agency, and
8 other persons, upon payment of charges therefor as fixed by the
9 management committee;

10 (8) to receive whatever State or federal aid or grants that may be
11 available for the purposes of the joint meeting or regional service
12 agency and to make and perform any agreements and contracts that
13 are necessary or convenient in connection with the application for,
14 procurement, acceptance, or disposition of such State or federal aid
15 or grants; and

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

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

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

43
44 8. Section 16 of P.L.2007, c.63 (40A:65-16) is amended to read
45 as follows:

46 16. a. The joint contract shall provide for the operation of the
47 public services, public improvements, works, facilities, or
48 undertakings of the joint meeting or regional service agency, for the

1 apportionment of the costs and expenses of operation required
2 therefor among the contracting local units, for the addition of other
3 local units as members of the joint meeting or regional service
4 agency, for the terms and conditions of continued participation and
5 discontinuance of participation in the joint meeting or regional
6 service agency by the contracting local units, and for such other
7 terms and conditions as may be necessary or convenient for the
8 purposes of the joint meeting or regional service agency. The
9 apportionment of costs and expenses may be based upon assessed
10 valuations, population, and such other factor or factors, or any
11 combination thereof, as may be provided in the joint contract.

12 b. (1) Notwithstanding any law to the contrary concerning
13 approval of contracts, the joint contract shall be subject to approval
14 by resolution of the governing bodies of each of the local units prior
15 to its execution by the official or officials who are authorized to
16 execute a joint contract.

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

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

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

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

26

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

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

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

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

45

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

1 19. a. When a local unit agrees to participate in a joint meeting
2 or regional service agency that will provide a service that the local
3 unit is currently providing itself through public employees, the
4 agreement shall include an employment reconciliation plan in
5 accordance with this section. An employment reconciliation plan
6 shall be subject to the following provisions:

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

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

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

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

40 (5) when an action is required of the Civil Service Commission
41 by this section, parties to a proposed joint contract may consult with
42 the commission in advance of the action and the commission shall
43 provide such technical support as may be necessary to assist in the
44 preparation of an employment reconciliation plan or any other
45 action required of the commission by this section.

46 b. If both the local unit and joint meeting or regional service
47 agency operate under the provisions of Title 11A, Civil Service, of
48 the New Jersey Statutes, the Civil Service Commission shall create

1 an implementation plan for employees to be hired by the joint
2 meeting or regional service agency that will: (1) transfer employees
3 with current status in current title unless reclassified or (2)
4 reclassify employees, if necessary, into job titles that best reflect the
5 work to be performed. The Civil Service Commission shall review
6 whether any existing hiring or promotional lists should be merged,
7 inactivated, or re-announced. Non-transferred employees shall be
8 removed or suspended only for good cause and after the opportunity
9 for a hearing before the Civil Service Commission; provided,
10 however, that they may be laid-off in accordance with the
11 provisions of N.J.S.11A:8-1 et seq., and the regulations
12 promulgated thereunder. The final decision of which employees
13 shall transfer to the new employer is vested solely with the local
14 unit that will provide the service and subject to the provisions of
15 any existing collective bargaining agreements within the local units.

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

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

45 (2) A joint meeting or regional service agency established after
46 the effective date of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1
47 et al.) that affects both employees in local units subject to Title
48 11A, Civil Service, of the New Jersey Statutes and employees in

1 local units not subject to that Title, shall determine whether the
2 employees of the joint meeting or regional service agency shall be
3 subject to the Title. If the joint meeting or regional service agency
4 determines that the employees shall not be subject to Title 11A,
5 Civil Service, of the New Jersey Statutes, then the employees from
6 the local units in which the Title is in effect shall have the same
7 rights as employees transferred pursuant to paragraph (1) of this
8 subsection.

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

10
11 11. Section 20 of P.L.2007, c.63 (C.40A:65-20) is amended to
12 read as follows:

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

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

47 The joint contract may provide for the delegation of the
48 administration of any or all of the services, lands, public

1 improvements, works, facilities or undertakings of the joint meeting
2 or regional service agency to the governing body of any one of the
3 several contracting local units, in which event such governing body
4 shall have and exercise all of the powers and authority of the
5 management committee with respect to such delegated functions.

6 (cf: P.L.2007, c.63, s.20)
7

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

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

21 b. The director, in consultation with the commissioner, shall
22 provide guidelines and procedures for the submission of SHARE
23 grant and loan applications.

24 c. Applications for shared service study funds:

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

28 (2) Shall not require a local match of funds for consolidation
29 studies under sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.)
30 or the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-
31 66.35 et al.).

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

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

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

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

1 e. The director may provide technical support programs to
2 assist local units in applying for grants or aid for studying shared
3 services.

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

5
6 13. Section 32 of P.L.2007, c.63 (C.40A:65-32) is amended to
7 read as follows:

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

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

25
26 14. Section 34 of P.L.2007, c.63 (C.40A:65-34) is amended to
27 read as follows:

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

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

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

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

43 (3) Within 14 days of receiving a decision, a party aggrieved by
44 a decision of a mediator or arbitrator assigned by the commission
45 may file notice of an appeal of an award to the commission. In
46 deciding an appeal, the commission, pursuant to rule and regulation
47 and upon petition, may afford the parties the opportunity to present
48 oral arguments. The commission may affirm, modify, correct or

1 vacate the award or may, at its discretion, remand the award to the
2 same arbitrator or to another arbitrator, selected by lot, for
3 reconsideration. An aggrieved party may appeal a decision of the
4 commission to the Appellate Division of the Superior Court.
5 (cf: P.L.2007, c.63, s.34)

6
7 15. This act shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill amends the “Uniform Shared Services and
13 Consolidation Act” (USSCA) and other statutory law to change the
14 name of “joint meetings” to “regional service agencies” to better
15 reflect the purpose and operation of these entities.

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

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

33 (1) to sue and be sued;

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

36 (3) to enter into any and all contracts or agreements and to
37 execute any and all instruments;

38 (4) to do and perform any and all acts or things necessary,
39 convenient or desirable for the purposes of the joint meeting or to
40 carry out any powers expressly provided under the USCAA.

41 (5) to sell real and personal property owned by the joint meeting
42 at public sale;

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

46 (7) to enter into a contract or contracts providing for or relating
47 to the use of its services, lands, public improvements, works,
48 facilities or undertakings, or any part thereof, by local units who are

1 not members of the joint meeting, and other persons, upon payment
2 of charges therefor as fixed by the 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 and to make and
5 perform any agreements and contracts that are necessary or
6 convenient in connection with the application for, procurement,
7 acceptance, or disposition of such State or federal aid or grants; and

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

15 Under the bill, this definition and these powers and authority
16 also would apply to regional service agencies. Additionally, the bill
17 clarifies that joint meetings and regional service agencies are
18 subject to the “Local Fiscal Affairs Law. “

19

20

21

22

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