



State of New Jersey  
COUNCIL ON LOCAL MANDATES  
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Victor R. McDonald, III  
Chair

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December 29, 2006

The Honorable Jon S. Corzine,  
Governor  
The Honorable Richard J. Codey,  
Senate President  
The Honorable Leonard Lance,  
Senate Minority Leader  
The Honorable Joseph J. Roberts, Jr.,  
Speaker of the General Assembly  
The Honorable Alex DeCroce,  
Assembly Minority Leader

Pursuant to N.J.S.A. 52:13H-19, the Council on Local Mandates submits its Report to the Governor and the Legislature, enclosed with this letter.

Copies of this letter and the enclosure are being provided to the Secretary of the Senate, the Clerk of the General Assembly, the Office of Public Information, and the Office of State Librarian. Please do not hesitate to contact me if you have any questions regarding the Report.

Respectfully,

Victor R. McDonald, III, Chair

Hand del.  
Enclosure – 2006 Report of the Council on Local Mandates  
cc w/enc.: Ellen M. Davenport, Secretary of the Senate  
Dana M. Burley, Clerk of the General Assembly  
Office of Public Information  
Office of State Librarian

REPORT OF THE COUNCIL ON LOCAL MANDATES  
TO HON. JON S. CORZINE, GOVERNOR,  
AND TO THE LEGISLATURE OF THE STATE OF NEW JERSEY

The Council statute provides, in pertinent part:

The council shall submit a report to the Governor and the Legislature prior to December 31 of each year setting forth the names and salaries of: the professional employees of council members, individuals employed by the council on a temporary or permanent basis, and personnel and consultants for whose service the council has contracted.

[N.J.S.A. 52:13H-19]

Accordingly, the Council reports the following information (as of December 29, 2006):

1. Professional employees of Council members: none.
2. Individuals employed by the Council on a temporary or permanent basis:<sup>1</sup>

Patricia A. Meyer  
Executive Administrator & Coordinator (full time position)  
Salary: \$109,705 per annum.

Shawn D. Slaughter  
Administrative Assistant (full time position)  
Salary: \$36,495 per annum.

3. Personnel and consultants for whose service the Council has contracted: John M. Payne, Esq., who was paid on an hourly basis to assist the Council in legal research and writing related to the Complaint case that was filed and decided in 2006, for a total of \$8,719. In addition, the Council contracted with a provider of court reporter service, pursuant to State contract, for transcription at the Council hearing held in September 2006.

Attachment – Council Summary of 2006 Complaint case and other Activity.

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<sup>1</sup> Salary figures are as of December 23, 2006, and reflect a 2.35% increase effective on and after that date.

## COUNCIL SUMMARY OF 2006 COMPLAINT CASE AND OTHER ACTIVITY

**Complaint decided.** In July and August 2006, four Counties filed Complaints with the Council alleging that a Department of Transportation (NJDOT) notification that local governments “should be prepared” to undertake deer carcass removal from local roadways as of October 1, 2006, was an unfunded mandate. The Council consolidated the four Complaints and also granted leave to the New Jersey Association of Counties to participate in the case as an amicus curiae (I/M/O Complaints filed by the Counties of Morris, Warren, Monmouth, and Middlesex, “Morris County”). The Commissioners of the Departments of Transportation and of Environmental Protection filed Answers to the Complaints as Respondents.

After extensive briefing by the parties and amicus, and after hearing oral argument on September 26, 2006, the Council ruled that the policy change announced in the NJDOT notice was an unfunded mandate and therefore that it shall “cease to be mandatory in effect and expire.” The Council issued its written opinion on October 31, 2006. In that opinion, the Council stated that it has the authority to determine NJDOT’s new policy of assigning responsibility and costs of deer carcass removal to local governments to be an unfunded mandate, under provisions of the New Jersey Constitution and Local Mandates Act.<sup>1</sup> In the same opinion, the Council also recognized that its jurisdiction does not include enforcement, and that it could not order the State to continue collecting deer carcasses from local roadways.<sup>2</sup>

On November 8, 2006, the County of Morris filed a Motion for Reconsideration of the written opinion. The Council denied the Motion, by Order dated December 8, 2006. In the Order, the Council acknowledged that it had the authority to reconsider its opinions, but “adhere[d] to its interpretation, fully expressed in its October 31 opinion, respecting the scope, extent, and limitation of its adjudicatory authority.”

**Other Council activity.** In 2006, the Council continued its efforts to enhance the accessibility of information regarding the Council and its work, while maintaining streamlined and efficient operations. The results of a major restructuring of the Council website first went online in late 2005. Among the enhancements were the posting of a complaint form on the site to minimize the paperwork associated with filing a Complaint. In 2006, the Council also developed an informational brochure to provide counties, municipalities, and school boards with basic information regarding their rights under the “State mandate, State pay” provisions of the Constitution and the Local Mandates Act.

**For more information** regarding the Council and its decisions in Morris County and earlier cases, please visit the Council’s web site, at [www.state.nj.us/localmandates](http://www.state.nj.us/localmandates).

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<sup>1</sup> See N.J.Const. art. VIII, §2, ¶5, and N.J.S.A. 52:13H-1 et seq.

<sup>2</sup> Please consult the text of the opinion, at [www.state.nj.us/localmandates/decisions](http://www.state.nj.us/localmandates/decisions), for a full understanding of its contents.