



State of New Jersey  
COUNCIL ON LOCAL MANDATES  
135 WEST HANOVER STREET  
TRENTON NJ  
(609) 984-9738  
(609) 984-9737 FAX

Mailing Address:  
PO Box 627  
Trenton, NJ 08625-0627

Victor R. McDonald, III  
Chair

December 23, 2009

The Honorable Jon S. Corzine,  
Governor  
The Honorable Richard J. Codey,  
Senate President  
The Honorable Thomas H. Kean, Jr.,  
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* <sup>PAM</sup>

Victor R. McDonald, III, Chair

Hand del.

Enclosure – 2009 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 21, 2009):

1. Professional employees of Council members: none.
2. Individuals employed by the Council on a temporary or permanent basis:
  - Patricia A. Meyer  
Executive Administrator & Coordinator (full time position)  
Salary: \$116,288 per annum.\*
  - Shawn D. Slaughter  
Administrative Assistant (full time position)  
Salary: \$41,006 per annum.\*
3. Personnel and consultants for whose service the Council has contracted: Hon. Geoffrey Gaulkin (P.J.A.D. ret.), who was paid in 2009 on an hourly basis for legal research and writing related to two separate Complaint cases filed in 2008, for a total amount of \$18,060. In addition, the Council contracted with a provider of court reporter service, pursuant to State contract, for transcription at a hearing in March 2009.

\*Salary figures do not reflect furlough savings.

Attachment – Council Summary of 2009 Complaint case activity.

## COUNCIL SUMMARY OF 2009 COMPLAINT CASE ACTIVITY

In 2009, the Council resolved I/M/O Complaint filed by the Township of Medford (“Township of Medford”), the second of two Complaint case matters that were filed in 2008.

The Township of Medford had filed an initial Complaint with the Council on August 15, 2008, alleging that recent amendments to the Fair Housing Act and Third Round Regulations of the Council on Affordable Housing (COAH) were unfunded mandates in violation of the State Mandate, State Pay Amendment to the New Jersey Constitution (“Amendment”), as codified in the Local Mandates Act.<sup>1</sup> The Council circulated the Complaint to State officials in September and directed the Claimant to supply additional information.

After reviewing Claimant’s filed information and new Complaint, regarding COAH’s revised Third Round Regulations, by letter on December 17, 2008, the Council consolidated the two Complaints and directed the Attorney General to file an Answer as Respondent. In the same letter, the Council also directed Claimant and Respondent to brief certain underlying legal issues, on cross-motions for summary judgment: (1) whether the challenged provisions are exempt from Council action because they “implement the provisions of [the New Jersey] Constitution,” and (2) whether they “impose direct unfunded mandates rather than speculative obligations.”

Following full briefing by the parties and amici curiae (Fair Share Housing Center, New Jersey State League of Municipalities, the Public Advocate of New Jersey, and Mount Laurel Township), the parties and amici argued the cross-motions for summary judgment on March 18, 2009. After a brief recess, the Council Chair announced the Council’s decision: that the challenged Fair Housing Act provisions and COAH regulations were exempt from Council action because they “implement” provisions of the New Jersey Constitution.

The Council’s written opinion in Township of Medford, which explains and memorializes its decision, was issued on June 1, 2009. Additional information regarding the procedural history of the case is posted on the Council’s website, at [www.state.nj.us/localmandates/recent](http://www.state.nj.us/localmandates/recent). The Council’s written opinion is posted on the site at [www.state.nj.us/localmandates/decisions](http://www.state.nj.us/localmandates/decisions).

---

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