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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
POLICE TECHNICAL ASSISTANCE REPORT

SUBJECT: New Jersey; Consolidation and  
Regionalization of Police Resources

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FOREWORD

This request for Technical Assistance was made by the New Jersey State Law Enforcement Planning Agency (SLEPA). The requested assistance was concerned with providing a short-term training session for members of the SLEPA staff and selected county planners in the areas of consolidation and regionalization of police resources.

Requesting Agency: State of New Jersey, State Law Enforcement Planning Agency, Mr. Harold F. Damon, Jr., Assistant Director of Operations;  
Mr. Thomas J. O'Reilly, Chief of Police Programs

Approving Agency: LEAA Region II (New York),  
Mr. Jules Tesler, Regional Administrator;  
Mr. Rene Cassagne, Police Specialist

## 1. INTRODUCTION

The local and county law enforcement agencies in New Jersey have become increasingly interested in the areas of consolidation and regionalization of police resources. As the interest grows, the State Planning Agency's program analysts are frequently requested to provide technical assistance to local governmental units. The Consultants assigned to this technical assistance request were to acquaint members of the Agency's Police and Prevention Staffs, and selected county planners, with the issues surrounding consolidation and regionalization of police services. These include such questions as how; why; what are the benefits, problem areas, previous experiences, costs, and ongoing fiscal support.

To fulfill the requirements of this assignment, the Consultants held a workshop on consolidation and regionalization at the New Jersey State Planning Agency's facilities. The remainder of this report will describe the events of that workshop and present the materials used therein.

## 2. WORKSHOP ON REGIONALIZATION/CONSOLIDATION

The 2-day Workshop on Regionalization/Consolidation was held in the offices of New Jersey State Law Enforcement Planning Agency. The following topics were discussed in detail:

- What is Regionalization/Consolidation:
  - An Examination of the Concept Nationally.
  - An Examination of the New Jersey Situation.
- A Review of Myths and Major Issues Related to Regionalization/Consolidation.
- Preparing to Implement Regionalization/Consolidation: Important Steps in the Process.

To summarize the Workshop topics and to provide the attendees with a future source of reference, a manual, similar to that attached as Appendix A, was distributed.

APPENDIX A

A Workshop on Regionalization/Consolidation

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Part I

Alternative Governmental  
Forms: Definitions  
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Section I  
DEFINITIONS

## ORGANIZATIONAL ALTERNATIVES

### DEFINITIONS

A number of alternatives for governmental reorganization have been developed throughout the United States and Canada. Although they may occur in modified form or in a multitude of combinations, they can generally be summarized into ten major categories. These are: (1) extraterritorial powers; (2) intergovernmental agreements; (3) voluntary metropolitan councils; (4) urban counties; (5) transfer of functions to state governments; (6) limited and multipurpose special districts; (7) annexation; (8) city-county separation; (9) city-county consolidation; (10) federation. <sup>1/</sup> Generally accepted definitions of these governmental arrangements are as follows:

### EXTRATERRITORIAL POWERS

These are powers that a city is permitted to exercise outside of its boundaries to regulate certain activities or to assist in providing services to people beyond the city's corporate limits. <sup>2/</sup>

### INTERGOVERNMENTAL AGREEMENTS

These are arrangements under which a community conducts an activity jointly or cooperatively with one or more other governmental units, or contracts for the performance of a municipal function by another governmental unit. <sup>3/</sup>

### VOLUNTARY COUNCILS

These are voluntary associations of elected public officials from most or all of the governments of a metropolitan area formed "to seek a better understanding among the governments and officials in the area, to develop a consensus regarding metropolitan needs, and to promote coordinated action in solving their problems". <sup>4/</sup>

<sup>1/</sup> Metro America: Challenge to Federalism, ACIR, October, 1966, Chapter 5.

<sup>2/</sup> Ibid., p. 86.

<sup>3/</sup> Ibid., p. 87.

<sup>4/</sup> Samuel Humes, "Organization for Metropolitan Cooperation, Public Management, XLIV (May, 1962), p. 106.

## THE URBAN COUNTY

This approach to local government reorganization involves giving a county responsibility for a significant number of urban services throughout all or part of its jurisdiction. 1/

## TRANSFER OF FUNCTIONS TO STATE GOVERNMENTS

This involves the transfer and direct performance of an urban function by an executive agency of the state government on behalf of communities in the metropolitan area. 2/

## METROPOLITAN SPECIAL DISTRICTS

A limited purpose district is an independent unit of government organized to perform one or a few urban functions in part or all of a metropolitan area, including the central city.

A multipurpose district is a special authority established pursuant to state law to perform a number of services in all or most of a metropolitan area. 3/

## ANNEXATION

Annexation is the absorption of territory by a city. 4/

## CITY-COUNTY SEPARATION

This is an action in which the major city in a county separates from the county. Sometimes with simultaneous expansion of its boundaries and, thereafter, exercises both city and county functions within its boundaries, although sometimes not all the county functions. 5/

1/ Metro America, p. 90.

2/ Ibid., p. 93.

3/ Ibid., pp. 95-96.

4/ Ibid., p. 98.

5/ Ibid., p. 101.

## CITY-COUNTY CONSOLIDATION

This may take three forms: (1) the merger of a county and the cities within it into a single government, which is the most complete form of consolidation; (2) substantial merger of the county and most cities within the county; and, (3) unification of only some of the municipal governments and the county government. 1/

## FEDERATION

This involves the division of local government functions in the metropolitan area between two levels of government. Areawide functions are assigned to an areawide or "metropolitan" government, whose boundaries encompass the units from which the functions are assumed. Local functions are left to the existing municipalities, which are sometimes enlarged in territory and called boroughs. 2/

1/ Ibid., pp. 102-103.

2/ Ibid., p. 104.

Section II

EXAMPLES OF GOVERNMENTAL FORMS

## EXAMPLES

Following are examples of several government reorganizations that have directly or indirectly affected police services. While the list is not comprehensive, it does outline major reorganization efforts which reflect a number of the above definitions. In each brief description, where appropriate, the legislative process and form of the new government are explained. A section is also provided which reviews the police function in each of the new governments.

It must be emphasized that few examples of pure organizational forms exist today. More commonly found are modifications and/or combinations of a number of forms into unique political jurisdictions which have been developed to suit local conditions, attitudes, needs, traditions, and other factors peculiar to particular geographic and political areas.

## INTERGOVERNMENTAL AGREEMENTS

### LOS ANGELES COUNTY, CALIFORNIA

#### Legislative Form and Process

Los Angeles County provides complete law enforcement service to 29 of 77 incorporated municipalities. In addition, it provides selective services to all jurisdictions. As cities developed in Los Angeles County after 1939, they were confronted with the problems of providing law enforcement services. The city of Lakewood initiated a program often referred to as the Lakewood Plan whereby the city entered into a contract with the county on a voluntary basis to:

- provide joint services at the least cost while both agencies retain the power of self determination and home rule. It is further a voluntary partnership under which cities establish and maintain local identity without heavy initial investment in capital plant, equipment, and personnel. 1/

#### Reorganization Form

Los Angeles represents a prime example of an intergovernmental agreement whereby the county provides services to the city.

#### Police Functions

Under these contracts, 29 municipalities in Los Angeles County receive total police services from the county. The sheriff's department provides basic police services as well as staff, auxiliary and field services. No communities with previously established services have chosen to participate in the plan. The sheriff's department is decentralized with 14 stations providing 24 hour radio car patrol along with investigative and juvenile services. 2/

1/ Arthur G. Will, "Another Look at Lakewood", address presented to the 27th Annual Conference of the National Association of County Officials, July 11, 1962, mimeo, p. 4, quoted in Coordination and Consolidation of Police Service--Problems and Potentials, Public Administration Service, December, 1966, p. 168.

2/ Coordination and Consolidation, pp. 167-173.



## ATLANTA AND FULTON COUNTY, GEORGIA

### Legislative Form and Process

Atlanta and Fulton County have developed a Plan of Improvement based on the following premises: (1) all municipal services should be furnished by a city, preferably Atlanta; (2) the county should furnish only traditional county services; (3) areas needing municipal service should be annexed to a city; and, (4) until they are annexed, the city should furnish such services by contract. This plan originated in the late 1940's and took effect after necessary constitutional amendments and state legislation on January 1, 1952.

### Reorganization Form

Atlanta-Fulton is an example of an intergovernmental agreement whereby the city provides services to the county.

### Police Functions

As a result of the plan, law enforcement has become the sole responsibility of the city which furnishes services to unincorporated areas under contract with the county.

The structure of local government is unaltered under the plan, although certain functions are transferred. An elected sheriff is retained in Fulton County, but he exercises no law enforcement powers other than acting as jailor and as an officer of the court. 1/

## URBAN COUNTY

## MIAMI-DADE COUNTY, FLORIDA

### Legislative Form and Process

The establishment of the Metro Plan on July 21, 1957 was the culmination of a series of functional agreements and consolidations which

1/ Ibid., pp. 173-174.

had developed over the preceding twenty years. Prior to the creation of Metropolitan Dade County, a countywide health system, port authority, planning council and consolidated school district were established. After the narrow defeat of an attempt in 1953 to abolish the municipality of Miami and transfer its function to the county, a reorganization study was conducted. This resulted in the passage of a constitutional home rule amendment for Dade County in November, 1956. In May of 1957, voters approved the home rule charter by a narrow margin. 1/

The reorganization made Metro the only local government serving the unincorporated areas of Dade County and established a two tier governmental system in which the county shares powers with twenty-six municipalities. The County Board of Commissioners is the policy-making and legislative body. It is composed of nine members elected countywide, eight with district residence requirements plus a chairman-mayor who is elected at-large. A county manager is responsible for administrative operations.

Metro has jurisdiction over all countywide functions except state courts and public schools. Responsibilities include: (1) comprehensive county planning; (2) powers to provide and/or regulate roads and traffic, zoning, fire and police, records, hospitals, health and welfare, ports, parks, communications, utilities, libraries and training; (3) contracting with other governmental units; (4) setting minimum standards; (5) establishing special purpose taxing districts; and, (6) calling elections to determine whether to turn a municipal service over to Metro. 2/

Municipalities retain specific powers over: (1) exceeding county's maximum standards in zoning, service and regulation; (2) turning over municipal services to Metro if a two-thirds vote of the governing body requests it; (3) local affairs not inconsistent with the charter; (4) drafting, amending, or revoking their own charters; and, (5) abolishing the municipality by a majority vote in a special election. 3/

#### Reorganization Form

Miami-Dade is an example of an urban county and a two tier federation.

1/ Partnership for Progress, Institute of Public Administration, October, 1969, pp. 62-63.

2/ Ibid., pp. 63-65.

3/ Ibid., pp. 64-65.

## Police Functions

Each incorporated municipality, except Islandia, offers some police protection, and some municipalities provide almost complete law enforcement services. The Dade County Public Safety Department provides some law enforcement services for those municipalities that choose to avail themselves of them. It also provides complete police service to unincorporated areas.

The following services are performed for all or a majority of local units; police and fire communications; police and fire training; drunkometer examinations; capital crimes investigation; natural death investigation; mobile unit crime laboratory; general investigation; polygraph; criminal control; arson investigation; traffic homicide investigation; transport of prisoners; warrants and capias; vice investigations; confinement of felons; metro court warrants service; central accident records; bomb disposal; wanted information; identification service; civil defense; emergency police ward; mutual aid (fire); E. D. P. accident and enforcement records; E. D. P. robbery and burglary reports; civil service and writs; criminal intelligence; underwater recovery; safety education; and, confinement of mentally incompetent and document examination. 1/

## SUFFOLK COUNTY, NEW YORK

Prior to formation of the department in 1960, law enforcement was provided by some town police departments, some village departments, district attorney investigators, and an elected sheriff. By special act of the state legislature, the Suffolk County Charter was passed in 1958. The charter called for a strong county government and a county police department. Each of these provisions was adopted in a separate election. The county police department is financed in part through a special police district tax.

The department began operations on January 1, 1960, after five towns and 20 of 27 villages voted to turn the police function over to the county police department. The department provides complete police protection for 560 of the county's 922 square miles and 765,000 of the county's population of 900,000. Seven villages elected not to join the police district and maintain their own departments.

1/ Coordination and Consolidation, pp. 145-149.

The elected sheriff provides a modicum of patrol to the residents of five eastern towns and the villages within them. The county department supplies all criminal investigation services and performs most staff, auxiliary, and field functions. Detention is a function of the elected sheriff. <sup>1/</sup>

#### Reorganization Form

Suffolk County may be viewed as an urban county with many aspects of a special district. Also, intergovernmental agreements are used.

#### NASSAU COUNTY, NEW YORK

The Nassau County Police Department provides complete police protection to 45 of the 69 incorporated municipalities in the county. This service is financed by an ad valorem tax on the residents. The police district includes 205 of the county's 300 square miles and 1.1 million of its 1.4 million population (1966).

Twenty-four jurisdictions continue to provide law enforcement services through their own police departments, but the county department continues to provide certain supplemental services.

The Nassau County department was established in 1925. Originally, the sheriff's office transferred 55 men to the newly created department. Today the sheriff no longer retains actual police responsibilities.

Governing bodies may join by adopting a resolution and having it acted upon favorably by the county board. Service may be contracted for, as in Suffolk County, for a period of two years.

#### Reorganization Form

Nassau County is most often viewed as an urban county where special district and intergovernmental agreements are featured.

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<sup>1/</sup> Ibid., pp. 158-162.

## TRANSFER OF FUNCTIONS TO STATE GOVERNMENTS

### CONNECTICUT

A special contract program exists in Connecticut known as the "resident trooper plan". The state police, through a contract program, provides a single trooper to reside in local units and furnish basic law enforcement service to any requesting municipalities meeting certain criteria. In 1966, 46 towns were receiving this law enforcement service.

The state police have full jurisdiction in all parts of the state, but they do not exercise such authority unless requested to do so by local officials.

Criminal matters not handled by local police are dealt with by the state police.

County government has been eliminated in Connecticut and sheriffs do not perform law enforcement functions. Any town, or two or more towns, lacking a police department may contract for the services of a trooper and share equally in the costs of the program. All towns with resident troopers have locally elected constables with police powers but these constables are most often limited to providing school crossing and related services. <sup>1/</sup>

### ANNEXATION

#### PHOENIX, ARIZONA

Phoenix, Arizona has experienced major growth through a strong policy of annexation. From 1950 to 1966, the city grew from 16 square miles to nearly 250 with its population increasing more than five-fold. Much of this growth has come through the annexation of unincorporated areas surrounding the city and lying within Maricopa County.

Phoenix has actively sought annexation as the most appropriate form of providing for orderly growth and city development. The city has thus prevented the formation of special districts and new municipalities outside its boundaries.

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<sup>1/</sup> Ibid., p. 175-176.

Law enforcement service in annexed areas was formerly provided by the county sheriff on a request basis without organized patrol areas. With annexation, the city police department extends complete services immediately to the newly added areas with a corresponding increase in the size of the department. 1/

## VIRGINIA AND TEXAS

Both Virginia and Texas have made extensive use of annexation drawing from special legal provisions available in these states. In Virginia, local governments or citizens may petition for annexation and a special annexation court is established to determine annexation action. 2/

In Texas, cities may empower themselves by home rule charter provision to annex unincorporated territory by ordinance. In the period from 1951-1960, four Texas cities--Houston, Dallas, El Paso, and San Antonio--were among the top ten cities in terms of annexed territory. 3/

## CITY-COUNTY CONSOLIDATION

### NASHVILLE-DAVIDSON COUNTY

#### Legislative Form and Process

Nashville-Davidson County consolidated on April 1, 1963. The area, which contains 410,000 people, supported a referendum in both the city and county on June 28, 1962. This followed the approval of a state constitutional amendment permitting home rule and authorizing the merger of city and county functions in 1953. Davidson County voters also sanctioned the creation of a Charter Commission in 1961 after rejecting a consolidation vote in 1958. 4/

The metropolitan government of Nashville and Davidson County is a strong mayor-council form. Its chief executive, the metropolitan Mayor and the forty-one member board, thirty-five district and five at-

1/ Ibid., p. 166.

2/ Virginia code sections 15-152.2 - 15.152.28.

3/ Robert G. Dixon, Jr., and John R. Kerstetter, Adjusting Municipal Boundaries: The Law and Practice in 48 States, Chicago: American Municipal Association, 1959, pp. 20-21.

4/ New County, U. S. A. Report, City-County Consolidation Seminar, p.8 and Partnership for Progress, p. 49.

large councilmen plus a Vice Mayor (Council President) are elected for four year terms. It has fourteen standing committees and a three-member Urban Council to levy additional millage.

The Metropolitan Tax Assessor, County Trustee, Sheriff, Registrar, Constables, County Court Clerk, District Attorney General and Public Defender are elected officials. The consolidated school system is appointed by the mayor with two-thirds Council confirmation. A number of boards and commissions are responsible for governmental functions including health, hospitals, planning, welfare, and parks and recreation, among others.

The county is divided into two taxing and services districts: (1) the general services district, coterminous with the county, and (2) an expandable urban services district, which initially encompassed only the former City of Nashville. Six small municipalities outside of the urban services district continue to zone their own areas and maintain local streets. 1/

#### Reorganization Form

The form of reorganization is city-county consolidation. The use of special service districts is also employed. The Nashville-Davidson County consolidation is generally viewed as the most complete of its kind in the United States.

#### Police Functions

Prior to reorganization, law enforcement was primarily provided by the City of Nashville Police Department and the county sheriff. The sheriff was elected for a two year term. Changes in manpower and management were frequent. In addition, elected constables with constitutional status had several law enforcement responsibilities and were paid on a fee basis. A number of private police agencies also provided law enforcement services on a subscription basis. Three local municipal departments also existed. 2/

### BATON ROUGE-EAST BATON ROUGE PARISH, LOUISIANA

#### Legislative Form and Process

On January 1, 1949, Baton Rouge-East Baton Rouge Parish, Louisiana merged. The consolidation plan was prepared by a local charter.

1/ Partnership for Progress, pp. 49-54.

2/ Coordination and Consolidation of Police Service, p. 151.

commission established pursuant to a 1946 constitutional amendment. The constitutional amendment required the creation of separate industrial, rural and urban areas, with the state tax limit on parishes applying in rural and industrial areas, and city taxes applying solely in urban areas. 1/

The city and parish maintain separate legal identities; however, the consolidated government is maintained through the use of an interlocking arrangement. The mayor-president is chief administrator of both units. Officials and joint financing of certain services guarantee consolidation characteristics. Under the plan, the city boundaries were extended to treble the population and quintuple the territory. 2/

The council is elected at-large with seven members representing the city and four representing the parish. Two municipalities remain outside of the consolidation as do the school districts. 3/

#### Reorganization Form

The city-county consolidation was one in which only some of the municipal government forms and functions were unified.

#### Police Functions

Police services remain as they were before the consolidation. The sheriff is responsible for the parish and a separate police force serves within the old city boundaries.

### INDIANAPOLIS-MARION COUNTY, INDIANA

#### Legislative Form and Process

The 742,000 people of Indianapolis-Marion County merged into a consolidated government on January 1, 1970. UNIGOV was created by the Indiana legislature without local referendum. The merger plan was prepared by the Government Organization Task Force of the Greater Indianapolis Progress Committee. 4/ Legislation enacted in 1969 had provided for such consolidation.

1/ Alternative Approaches to Government Reorganization in Metropolitan Areas, ACIR, June, 1962, p. 73.

2/ Ibid., p. 73.

3/ New County, p. 8.

4/ Partnership for Progress, p. 59 and Unigov--City-County Consolidation in Indiana, George L. Willis, 1972, pp. 1-2.



A twenty-nine member council, twenty-five of whom are elected by district and four at-large, was created. The form is a weak mayor-council, much like the former Indianapolis system.

Three large municipalities are excluded from the consolidated city: Beech Grove, Lawrence, and Speedbay, as well as smaller municipalities. 1/ Six administrative departments comprise Unigov: Administrator, Metropolitan Development, Public Safety, Public Works, Transportation, and Parks and Recreation. A number of city, county, and single purpose special districts functions were transferred to Unigov, including eight independent special district units. The county relenquished the functions of drains, highway building, legal services, and purchasing, among others, but did not give up all functions; e.g. county prosecution. Unigov has the major responsibility for planning and zoning, administering the transportation system, establishing traffic controls and regulating mass transportation and all primary authority over sewage and waste disposal, flood control, air pollution, civil defense and most major park and recreation activities. Health services, water pollution, the airport, welfare and elections are still not fully consolidated, nor are police and fire services.

It is noteworthy that school districts were not affected by the consolidation. Numerous township governments remain basically unchanged and several small municipalities continue as independent governmental entities. 2/

### Reorganizational Form

The city-county consolidation is only partial. Few county positions have been abolished. Many functions have not been transferred to Unigov and are retained by special districts, townships and small municipalities.

### Police Functions

The final determination of consolidating police services was to retain, for the time being, pre-Unigov boundaries and to restrict former Indianapolis police and fire department services to those boundaries. The legislation does permit a Unigov police force to replace the county sheriff's

1/ Partnership for Progress, p. 61.

2/ Unigov -- City-County Consolidation, pp. 8-9.

law enforcement duties. The statute states that once the Unigov police force extends its authority over the consolidated city, the sheriff's duties will become largely civil; maintaining order in courts; process enforcement; jail administration; transportation of prisoners; and, the protection of public property. The complexity and controversy over administration and financing of police services is exemplified by the fact that thirty of the eighty-six pages of the statute refer to police and fire functions. 1/

## JUNEAU-GREATER JUNEAU BOROUGH, ALASKA

### Legislative Form and Process

The Juneau-Greater Juneau Borough, Alaska consolidation became effective July 1, 1970. This area of 13,895 people was permitted to consolidate by an act of the state legislature which authorized home rule. The state passed legislation establishing a charter commission and the city-borough consolidation was approved by popular referendum February 17, 1970. 2/

The merged government is a weak mayor-council form with an appointed manager. The council is comprised of nine at-large members elected for four year terms. One of these serves as mayor. Thirteen special districts were consolidated into six. School boards were included as part of the consolidation. Two service areas were established for Juneau and Douglas and these or others may be established, abolished or altered by the council. All local governments legally became one under the home rule charter. 3/

### Reorganization Form

The city-county consolidation was reasonably complete with some police functions being transferred to the state government.

### Police Functions

The police department of the City and Borough of Juneau serves the Juneau and Douglas Services areas; i. e. the former City of Juneau and City of Douglas. State troopers have jurisdiction over the rest of the consolidated area as they did before the consolidation. There is a plan being developed, however, for uniform police services throughout the area. 4/

1/ Ibid., pp. 11-12.

2/ New County, p. 8 and Home Rule Charter of the City and Borough of Juneau, Alaska.

3/ Home Rule Charter.

4/ Correspondence with E. J. Emery, Clerk, the City and Borough of Juneau, Capital of Alaska, May 5, 1972.

## CARON CITY - ORMSBY COUNTY, NEVADA

### Legislative Form and Process

This area of 19,500 people was consolidated after an act of the state legislature in 1968. The merger became effective July 1, 1969. A constitutional amendment paved the way for the consolidation and a charter, developed by both local and state officials, was approved by referendum in the same year. No special local referendum was held, but local hearings were conducted before final passage of the charter.

The charter called for four wards with a board of supervisors consisting of five members, one from each ward and a mayor who is elected at-large. All serve four year terms. Two taxing districts were also created. <sup>1/</sup>

### Reorganization Form

This appears to be almost a complete consolidation form with two taxing districts.

### Police Functions

In 1951, a charter amendment enacted by the state legislature merged the police department of Carson City with the sheriff's department of Ormsby County. The elected sheriff became the chief law enforcement officer for the new consolidated department.

## FEDERATION

### MUNICIPALITY OF METROPOLITAN TORONTO

#### Legislative Form and Process

The Toronto area with over 2,000,000 people, representing almost 10 percent of the Canadian population, was merged on January 1, 1954. The Ontario Legislature passed the Municipality of Metropolitan Toronto Act without local referendum. This action was based on the Cumming Report of the Ontario Municipal Board.

<sup>1/</sup> "Historical Data, Legal Requirements, Reasons and Efforts of Consolidation of Carson City and Ormsby County into a New Entity--Carson City, Nevada", April, 1972, a leaflet.

The Metropolitan Council was originally composed of 25 members equally divided between city and suburbs and included an appointed chairman. Members represented their municipalities by virtue of holding elective office, and thus, were not directly elected to the council. However, in 1965, the Goldenberg Report recommended changes that were reflected in the Metropolitan Toronto Amendment Act of 1966. A new metropolitan government came into being.

The new government consolidated the thirteen municipalities into five boroughs and one city and provided for a thirty-three member body directly elected on a representative population basis. This represented a change from a 12-12 split to a 20-13 advantage for the suburban areas. The council is responsible for water supply, major roads and highways, police, licensing, refuse collection and certain school and welfare functions deemed areawide in nature. Local governments continue to perform local functions. 1/

#### Reorganization Form

Metropolitan Toronto is an example of the federation form of government in almost its purest sense.

#### Police Functions

The Metropolitan Toronto Police Department provides police protection for the entire Toronto metropolitan area. No independent policing agencies exist within this 241 square mile area. The department is responsible to a Metropolitan Board of Commissioners of Police and is financed by an assessment of each of the metropolitan units.

The metropolitan department came into being on January 1, 1957. A 14-week recruit training program is provided for by the department. Central records and communications are also provided. Central investigation is provided for all jurisdictions. 2/

1/ Reshaping Government in Metropolitan Areas, Committee for Economic Development, February, 1970, pp. 70-83.

2/ Coordination and Consolidation of Police Service, P. A. S., December, 1966, pp. 153-156.

Part II

Perspectives on Various  
Forms of Organization for  
New Jersey Law Enforcement  
Agencies

Section I

INTERLOCAL SERVICES: NEW TOOLS  
FOR LOCAL COOPERATION

by

James Alexander, Jr.

Reprinted from

1974 New Jersey Municipalities

# INTERLOCAL SERVICES: NEW TOOLS FOR LOCAL COOPERATION

**N**EW JERSEY'S local governments now have an excellent opportunity to consolidate particular local services with their neighbors on a voluntary basis. This will permit economies of scale while still retaining our highly cherished local control and identity.

Cooperation between local governments is of course nothing new. Local officials have for many years been applying common sense to solving problems that could be more economically or efficiently met by getting together with their neighbors. Until now, however, the statutory basis for interlocal cooperation has not always been clear, monetary risks were sometimes possible, and formal mechanisms for getting together to explore the feasibility of cooperative efforts were generally absent.

Through the passage of two 1973 laws, Chapters 208 and 289, the State Legislature has recently given our local governments a means to remedy these three critical areas. The enabling laws have been updated, a state aid program has been established, and several official ways of exploring interlocal service possibilities have been formally authorized. The Department of Community Affairs is authorized to take new initiatives in encouraging local cooperation.

## Enabling Legislation

Under the new Interlocal Services Act (Chapter 208) the laws authorizing interlocal cooperation have been revised. The major points of interest are as follows:

### BROAD AUTHORITY

The first section of the Interlocal Services Act (N.J.S.A. 40:3A-1 et seq) provides sweeping authority for local governments to get together and work out contractual arrangements for the joint provision of services. Municipalities, counties, school districts, regional authorities and even intramunicipal authorities (with municipal approval) can now get together to provide common services. Local units getting together

by James Alexander, Jr.  
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Department of  
Community Affairs

The Interlocal Services Act and its companion, the Interlocal Service Aid Act, have their roots in extensive research conducted by the County and Municipal Government Study Commission. In its third report, titled "Joint Services-A Local Response to Area Wide Problems" issued in September 1970, the Commission made recommendations for joint service programs based on interviews with 450 mayors and other local officials. The report included legislative proposals which served as the basis for the present acts. A year later the Commission in cooperation with the State Department of Community Affairs published a supplementary practical guide to reaching joint services agreements. The Commission is now initiating further research into developments in the area since the original research of 1969.

The League strongly supports the concept of joint service agreements among local governments, and through its membership on the County and Municipal Government Study Commission played an active role in shaping the original recommendations.

may agree to provide jointly, or through the agency of one or more of them, any service which any of the parties may legally perform for itself.

The areas in which services are authorized are extremely broad, including general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental services, joint municipal courts, youth, senior citizens, welfare and social service programs, and virtually anything else.

One of the few limitations which exist is the provision that any joint service which has previously been subject to state approval will continue to require such approval. An example might be that N.J.S.A. 40A:11-12.1 requires the Division of Local Government Services to approve data processing agreements between units of local government.

The means of entering into such agreements is by a contract. This contract must contain a description of the services to be performed, some statement of standards and allocation of responsibility, estimated cost and allocation of cost by fixed amounts or by a formula, the length of the contract and the payment procedures. Binding arbitration or fact finding may be provided for at the option of the parties.

The party who performs the service becomes the general agent of all of the other parties with respect to that function, and assumes commensurate authority and responsibility. The rest of the details of the agreement are up to the participating parties. A great deal of flexibility is left open for local negotiation and agreement.

### JOINT MEETINGS

The law also amends the Consolidated Municipal Services Act which relates to joint meeting ventures. This law (N.J.S.A. 40:48B-1.1 et seq) has been

limited in use since its enactment, and has dealt mostly with public works types of activities. The amendment to this law provides another statutory means for interlocal cooperation.

This law is only open to counties and municipalities, and the details of operation are spelled out more specifically. For instance, a management committee is required to be established with one year terms, and employees appointed by the management committee are limited to terms of four years.

It is anticipated that in most local situations, the general provisions of the Interlocal Services Act will be followed rather than the joint meeting approach, because the former provide so much more flexibility in tailoring a plan that will meet particular local needs.

### PROMOTING COOPERATION

The Department of Community Affairs is specifically authorized under the new legislation to convene meetings of local officials for the purpose of discussing ways of cooperating to provide services more efficiently and economically. Under this provision, the Director of Local Government Services has already addressed a number of local groups, and will be promoting interlocal cooperation in the future.

The Department has already been busy working with a number of local units in examining possibilities for cooperation, and in implementing the ventures. Some examples follow:

- A borough and its surrounding township have been funded with 701 money to permit one consultant to prepare new master plans based on common analytical studies and mapping, thereby fostering broader planning perspective while still keeping local autonomy.
- Three counties are being funded to expand their planning staffs in order to provide limited technical assistance to municipalities on particular planning matters. The municipalities will enter into contractual relationships with the county planning boards. This will save money for the towns and provide for sound planning assistance.
- Five municipalities are examining the possibility of joint police services in cooperation with the Department and the State Police Training Commission.
- Two groups of three municipalities each are being studied by one of the State Colleges under a Departmental grant to develop improved refuse collection procedures.
- Two towns have asked for a review of their fire protection activities as a basis for a possible joint program.

The Department is also authorized to maintain a roster of qualified mediators or arbitrators and to prescribe rates of compensation for such services. The purpose of this is not so much to anticipate local disputes as it is to assure contracting local units that an impartial means of resolving any disagreements is available.

One of the great benefits of this law is that cooperation between local governments is a voluntary matter. The Department of Community Affairs will not be forcing any local governments to consolidate their services. This is an area for local decision, and the Department's role will deal with the convening of discussion meetings, publicizing the benefits that can be achieved, conducting feasibility studies to assist local governments in working out the details of such endeavors, and administering special State-aid grants. Any local officials who wish to have the Department discuss these procedures are invited to contact the Department and we will be pleased to respond.

### State Aid

It has been the experience of our staff that the establishment of cooperative ventures between local governments is a detailed and time consuming process. It requires the officials involved to sit down together and to really think through all of the details that will emanate from a merger of services. Sometimes these details can loom so large as to frustrate an otherwise desirable plan.

As an example, if one public works department is to assume responsibility for maintaining the roads in an adjoining town, what happens to the second town's road superintendent? If two tax collectors' offices are merged, which collector will be in charge? Will two collectors be needed at all?

These are very reasonable questions to be asked, and the Department of Community Affairs would be pleased to work with local officials in examining such questions. It is only too easy to announce plans for major consolidation of services only to have the idea fall by the wayside as the specific problems of implementation develop.

It is to respond to such problems that the Interlocal Services Aid Act was passed. This law is designed to provide financial incentive on a limited basis to get cooperating counties, municipalities and school districts over the initial hurdles and to provide a cushion on various start-up costs.

### Feasibility Studies

This law provides that the Department may conduct feasibility studies at expense to examine in advance the workability of consolidated or joint local services. These feasibility studies will be conducted either by the Department or by other State Departments or outside agencies who are approved by the Department of Community Affairs. Whenever a function involves some of the Department of the State government that Department will also be involved.

Our approach to feasibility studies under this law will be a practical one. Lengthy studies filled with theory and extraneous discussion are not going to be useful. A feasibility study must really get into the heart of how a joint service is going to work. In particular, it must project the financial requirements of the joint service so as to provide a basis for grants-in-aid which the Department is now authorized to administer. Conduct of a feasibility study is a prerequisite to receiving subsequent subsidies under this program.

In order to initiate a feasibility study the local units involved should pass similar resolutions requesting the Department to undertake it. Although no formal application procedure has been established as this is written, it is recommended that telephone inquiry be made to the Department in advance, as to ascertain any required procedure which may have been established.

In recognition that there may be some circumstances in which governing bodies may be reluctant to formally express an interest in a feasibility study, the law provides that the Department may make a preliminary survey at the request of a single governing body or chief executive officer and transmit the results to all the local units who might be concerned. Such a preliminary survey would not in any way commit any local unit to participate in subsequent action.

Following the completion of the feasibility study, the law provides for the Department to hold a public hearing and for the participating local units to pass identically worded resolutions ratifying the grant contract. Local units are given six months to advise the Department of their reaction to the feasibility study.

The actual state aid available to a local unit in the conduct of joint services Pursuant to Chapter 289, the Inter-Local Services Act falls into two broad categories, pending upon whether the services provided are new (or substantially improved), or merely a consolidation of existing service levels.



## CONSOLIDATION OF EXISTING SERVICES

If the local governments involved have previously been providing a service, but are now going to provide it on a joint basis, the State will grant funds to cover all extraordinary administrative and operating costs incurred by the local unit as a result of implementation of the joint program."

What this means is that the State recognizes that certain transitional expenses may result from forming joint services. There might be costs of setting up a new office, a temporary need for additional manpower, or some other expense that will not be needed once the joint operation is well underway. The Department, under this provision, can absorb some of these temporary costs.

It should be noted that there are certain limitations to this save-harmless provision written into the law. The "extraordinary administrative and operating costs" are only those which exceed the costs that would have been incurred if the local units had continued to operate the service separately. Thus, increases which would have occurred regardless of the merger of the function would not be eligible for subsidy. Further, major capital expenditures such as new buildings are not eligible for aid.

## NEW OR IMPROVED SERVICES

Any local unit joining with others to provide a service that had not previously been provided will be eligible for state aid equally ten percent of its total costs incurred as a result of the joint program.

Any local unit joining with others to provide a service that had been previously provided but at a low level that requires upgrading may be authorized by the Department to receive financial aid as if it had not been providing the service at all.

If a local unit that has been providing service at or above minimum levels joins with one or more other units who have not been providing the service (or have provided it at below minimal level), then it too may be subsidized on the ten percent formula. It is hoped that this

would encourage the cooperation projects between those municipalities that have well established services and those nearby that do not.

## GENERAL PROVISIONS

The state aid under both of these formulas will be payable for a four year period beginning with the implementation of the joint service. The local units involved will file budget estimates with the Department of Community Affairs which will be reviewed and approved in advance of each year. Payments of aid will be on a quarterly basis in accordance with certification of actual expenditures made.

## The Prospect

As is well known, the local governments of our state are under increasing pressures to meet growing urban problems. At the same time, the financing of local programs is becoming increasingly difficult. Efforts to consolidate local governments for the purpose of improving efficiency and economies have not been successful in the state, however, and large scale consolidation does not appear to be an acceptable answer in light of our strong tradition of home rule.

The Interlocal Services Act and the accompanying Aid Act provide an alternative. The alternative is to consolidate various services or combinations of services while still retaining the existing units of local government. Joint services have been conducted very successfully in other states, and there is already some experience in this state which proves that they can help answer these pressures. This new legislation is designed to remove some of the legal and financial uncertainties of joint endeavors, and to provide means for increased public understanding of what will be involved in particular service consolidations.

There is nothing under these laws which forces local governments to consolidate any services. The initiative is left at the local level, while incentives and assistance will come from the State. Several thoughts which local officials might wish to bear in mind as they consider such matters are the following:

- One of the options open is to create new departments to provide a joint service rather than assigning the responsibility to an existing department. Such a joint department might be organizationally separate from the local governments that created it. Creation of a large number of new single purpose government agencies at the local level is likely to present problems in terms of public understanding and accountability. While each situation must be evaluated in its own terms, there is much to be said in

The law also provides that the Department shall conduct performance audits of the joint operations. The regular fiscal audit will of course continue to be performed by the respective registered municipal accountants, and the performance audit requirement is designed to assure that reasonable management practices are being followed. It will also provide a feedback mechanism which will be of assistance to the Department in its advisory role and to other local units which are contemplating such efforts and could benefit from others' experience.

support of contracting with existing governmental units which not only may have the service capability, but may also be capable of assuming the administrative and other support responsibilities on behalf of these consolidated functions. Care should be taken to avoid clouding the lines of accountability and responsibility.

- Consolidation for its own sake is not the goal to be sought. Rather, the objective will more likely be improvement of services at a relatively more efficient cost. Joint services may not always result in a net savings of dollars; the savings should occur in terms of relative costs or in terms of service levels. If a joint service proposal cannot meet one of these two tests, then there may not be sufficient reason to implement it.

The Division of Local Government Services has been assigned to administer the Department's activities under these laws, and the programs are being carried out through the Bureau of Local Management Services. The telephone number is (609) 292-6110.

The responsibility is in the hands of the local officials, and the Department will be pleased to hear from you and to work with you in the pursuit of the common goal of strengthening local government.

This article appeared originally in the February 1974 New Jersey Municipalities

Section II

EXTRACTS FROM REMARKS OF  
ROBERT J. DEL TUFO  
DIRECTOR OF DIVISION OF CRIMINAL JUSTICE  
AND FIRST ASSISTANT ATTORNEY GENERAL  
STATE OF NEW JERSEY

Present During

Annual Meeting of New Jersey  
State Association of Chiefs of  
Police, June 21, 1976

It is a pleasure to be with you this morning to share some thoughts on the topic assigned to Colonel Pagano and myself - namely, "Future Projections In The Criminal Justice System."

Law enforcement now - and ever more so in the future - must be sufficiently diversified, efficient, innovative and professional to meet the many faces, and growing sophistication, of crime...

Further professionalization of our efforts is also required.

Clearly, to be effective and efficient we need a professionalized police force which not only is chosen with care and trained in the technical skills and human qualities necessary to proper performance of demanding police duties, but also is organized into effective, efficient units.

Taking the last point first, there is a need today to consider the consolidation of many existing police departments into effective, modern operating units. Criminal behavior is not confined within recognized municipal, county or even state boundaries. Yet, New Jersey's law enforcement network reflects its strong home rule tradition and is thus characterized by geographical circumstance. Indeed, police services remain among the most zealously guarded functions of municipal government. At present, approximately 461 municipalities have established organized,

full-time police departments. In addition, 70 communities employ only part-time law enforcement personnel. Many New Jersey citizens are thus served by local law enforcement agencies of small size, a situation which can impede development of the expertise necessary to fight crime efficiently and effectively. It is thus clear that where geography and other identities suggest compatibility, serious consideration should be given to the functional integration of police services of local units. Even aside from professionalism and expertise, consolidation is also a conservation of resources measure and a graphic demonstration to the public that we are willing to be responsible and to avoid waste. Frankly, if we are going to ask for public support and funds for our work, we should demonstrate our commitment to excellence and efficiency and our willingness to cut out the fat in our operations.

In this connection, it may in the first instance be possible to achieve a fair measure of integration without fully addressing the thorny political problems of integrating entire departments. I refer of course to possible combination of specified services. Recent legislation does authorize municipalities to enter contracts to jointly provide governmental services. N. J. S. A. 40: 8A-1, ET SEQ. Police and fire protection are among the services which can be the subject of such contracts. This

mechanism for consolidation of police functions has several clear advantages. Additional and autonomous governmental units are not required. No separate taxing body need be established. The identity of the contracting municipalities is retained. Further, the statute authorizes state aid to permit feasibility studies and for implementation of joint service contracts. In my view, the contract approach provides an excellent solution to the problem. I recognize that there may be a certain amount of reluctance on the part of local officials to relinquish sole authority over their police departments and some apprehension about loss of jobs. However, it is hoped that the needs of the public will take precedence over such considerations. And, by appropriate provisions, including possible grandfather clauses, and a gradual approach to consolidation, I believe all interests may in any event be adequately and equitably protected.

Part III

New Jersey Legislation  
Concerning  
Mutual Aid, Interlocal Agreements,  
Regional Cooperation, etc.

Section I

INTERLOCAL SERVICES ACT  
CHAPTER 208, LAWS OF 1973  
N. J. S. A. 40: 8A et seq.

INTERLOCAL SERVICES ACT

Chapter 208, Laws of 1973

N.J.S.A. 40:8A et seq.

An Act permitting political subdivisions of this State to provide services jointly, amending the "Department of Community Affairs Act of 1966" (P.L. 1966, c. 293; C. 52:27D-1 et seq.), amending the "Consolidated Municipal Service Act" (P.L. 1952, c. 72; C. 40:48B-1 et seq.) and P.L. 1960, c. 3 supplementary thereto.

40:8A-1. SHORT TITLE

This act shall be known and may be cited as the "Interlocal Services Act."

40:8A-2. DEFINITIONS

As used in this act, unless the context indicates otherwise:

a. "Local unit" means a municipality, county, school district or a regional authority or district other than an interstate authority or district.

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

c. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county executive, and the chairman or other presiding officer of any other governing body.

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

e. "Contract" means a contract authorized under section 3 of this act.

40:8A-3. CONTRACT BY LOCAL UNIT FOR JOINT SERVICE PROJECTS; PARTIES; AUTHORIZATION BY ORDINANCE OR RESOLUTION

Any local unit of this State may enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction. An autonomous authority, board, commission or district established by and within a single local unit and providing service within such local unit or a part thereof may become a party to such contract with the consent of the governing body of the local unit, by ordinance or resolution thereof adopted in the manner



provided in section 4 of this act; and after such consent duly given, such authority, board, commission or district may enter into such contract by resolution without need of publication or hearing.

40:8A-4. CONTRACT; AUTHORIZATION BY ADOPTION BY ORDINANCE OR RESOLUTION;  
FILING; PUBLIC INSPECTION: EFFECTIVE DATE

A party authorized to enter into a contract under section 3 of this act may do so by the adoption of an ordinance, if such party is a municipality, or a resolution, if it is any other such party. A resolution adopted pursuant to this section or section 3 need not set forth the terms of the contract in full, but shall clearly identify it by reference; and a copy of the contract shall be filed and open to public inspection at the offices of the local unit immediately after the introduction of any such resolution before the governing body. The contract shall take effect upon the adoption of appropriate ordinances or resolutions by all the parties thereto as set forth in the contract document.

An ordinance or resolution adopted pursuant to this section shall before final adoption be introduced in writing before the governing body and passed upon first reading, which may be by title. Within 10 days thereafter it shall be published, together with a notice of the date, time and place fixed for consideration of its final adoption. Such publication shall include notification of the place at which copies of the proposed contract are available for public inspection, and the times at which such inspection is permitted. Publication shall be in at least one newspaper of general circulation in the jurisdictional or service area of the local unit at least 1 week prior to the date fixed for consideration for final adoption. At the date fixed for consideration of the ordinance or resolution for final adoption, or at subsequent adjournment thereof, the governing body shall hold a public hearing and shall then proceed to consider the final adoption, which may be by majority vote of the governing body, subject to any executive approval or veto, as referred to in section 2 of this act.

40:8A-5. JOINT AUTHORIZATION FOR PROVISION OF SERVICES

The parties to a contract authorized by this act may agree to provide jointly, or through the agency of one or more of them on behalf of any or all of them, any service or aspect of a service which any of the parties on whose behalf such services are to be performed may legally perform for itself. Such services shall include, but not be limited to, the areas of general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental services, joint municipal courts, youth, senior citizens, welfare and social services programs. Nothing in this act shall be deemed to amend or repeal any procedures for or powers of approval of any consolidated local service program which any State agency may now exercise pursuant to law.

40:8A-6. CONTENTS OF CONTRACT; AGENT PARTY; DEFINITION; POWERS; OTHER CONTRACTS FOR SAME SERVICES

a. A contract made pursuant to this act shall specify:

(1) the exact nature and extent of the services to be performed jointly or by one or more of the parties as agent for any other party or parties;

(2) measurable standards of the level, quality and scope of such performance, with specific assignment and allocation of responsibility for meeting such standards between or among the parties;

(3) the estimated cost of such services throughout the duration of the contract, with allocation thereof, to the parties, in dollar amounts or by formula, including a time schedule for periodic payment of installments of such allocations; which specification may include provision for the periodic modification of estimates or formulas contained therein in the light of actual experience and in accordance with procedures to be specified in the contract;

(4) the duration of the contract, which shall be for 7 years, unless otherwise agreed upon by the parties:

(5) the procedure for payments to be made under the contract.

b. Such contract may provide for binding arbitration or for binding fact-finding procedures to settle any disputes or questions which may arise between the parties as to interpretation of the terms of the contract or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract.

c. For the purposes of this act, any party performing a service under such a contract is the general agent of any party or parties on whose behalf such service is performed pursuant to the contract, and such agent party shall have full powers of performance and maintenance of the service contracted for and full powers to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, obligations and responsibilities under the contract, including all powers of enforcement and administrative regulation which are or may be exercised by the party on whose behalf it acts pursuant to the contract, except as such powers are limited by the terms of the contract itself, and except that no contracting party shall be liable for any part or share of the cost of acquiring, constructing or maintaining any capital facility acquired or constructed by an agent party unless such part or share is provided for in the contract or in an amendment thereto which shall have been ratified by the contracting parties in the manner provided in this act for entering into a contract.

d. Except as the terms of any contract may explicitly or by necessary implication provide, any party to a contract entered into pursuant to this act may enter into another contract or contracts with any other eligible parties for the performance of any service or services pursuant to this act; and participation in one such contract shall not bar participation with the same or other parties in any other contract.

40:8A-7. PAYMENTS

a. Payment for services performed pursuant to a contract shall be made by and to such parties, and at such intervals, as shall be provided in the contract.

b. In the event of any dispute as to the amount to be paid, the full amount to be paid as provided in subsection a. of this section shall be paid; but if through subsequent negotiation, arbitration or litigation the amount due shall be determined, agreed or adjudicated to be less than was actually so paid, the party having received the payment shall forthwith repay the excess.

40:8A-8. CONTRACT FOR SERVICES WITH PRIVATE CONTRACTOR; COMPLIANCE WITH LOCAL PUBLIC CONTRACTS LAW

If any party performing a service on behalf of another party or parties to a contract utilizes the services of a private contractor to perform all or most of such service, or all or most of a specific and separate segment of the services so contracted for, such party shall be required to award the contract for the work to be performed by a private contractor under such contract in accordance with the "Local Public Contracts Law" (N.J.S. 40A:11-1 et seq.).

40:8A-9. PERFORMANCE OF SERVICES FOR INDEPENDENT BODY OR AUTHORITY EQUAL TO ONE-HALF OR MORE OF COSTS OF SERVICES PROVIDED; APPROVAL BY LOCAL UNITS

In the event that any authority, board, commission, district or other body created jointly by one or more local units proposes to enter into a contract under this act whereby such authority, board, commission, district or other body agrees to have performed on its behalf services the cost of which shall equal 1/2 or more of the total costs of the services being performed by such authority, board, commission, district or other body immediately prior to the adoption of the proposed contract, the contract shall require approval by resolution of the governing body of each local unit which created such authority, commission, district, board, or other body or which has become a participant therein subsequent to its creation

Included at this point in this Act are amendments to other statutes, which read as follows:

Section 9 of P.L. 1966, c. 293 (C. 52:27D-9) is amended to read as follows:

9. The department shall, in addition to other powers and duties invested in it by this act, or by any other law:

(a) Assist in the coordination of State and Federal activities relating to local government;

(b) Advise and inform the Governor on the affairs and problems of local government and make recommendations to the Governor for proposed legislation pertaining thereto;

(c) Encourage cooperative action by local governments, including joint service agreements, regional compacts and other forms of regional cooperation;

(d) Assist local government in the solution of its problems, to strengthen local self-government;

(e) Study the entire field of local government in New Jersey;

(f) Collect, collate, publish and disseminate information necessary for the effective operation of the department and useful to local government;

(g) Maintain an inventory of data and information and act as a clearing house and referral agency for information on State and Federal services and programs;

(h) Stimulate local programs through publicity, education, guidance and technical assistance concerning Federal and State programs;

(i) Convene meetings of municipal, county or other local officials to discuss ways of cooperating to provide service more efficiently and economically; and

(j) Maintain and make available on request a list of persons qualified to mediate or arbitrate disputes between local units of government arising from joint service projects or other cooperative activities, and further to prescribe rates of compensation for all such mediation, fact-finding or arbitration services.

Section 10 of P.L. 1960, c. 3 (C. 40:48B-1.1) is amended to read as follows:

10. The following terms wherever used or referred to in this act shall have the following respective meanings:

(1) "Governing body" shall mean the commission, council, board or body, by whatever name it may be known, having charge of the finances of a county or municipality.

(2) "Person" shall mean any person, association, corporation, nation, State, or any agency or subdivision thereof, or a county or municipality of the State.

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

(4) "Operate" and "operation" shall mean and include acquisition, construction, maintenance, management and administration of any lands, public improvements, works, facilities, services or undertakings.

(5) "Local unit" shall mean any municipality or county.

Section 2 of P.L. 1952, c. 72 (C. 40:48B-2) is amended to read as follows:

2.a. The governing bodies of any two or more municipalities or counties or combination of municipality or municipalities and county or counties may enter into a joint contract for a period not to exceed 40 years to provide for the formation of a joint meeting for the joint operation of any public services, public improvements, works, facilities or undertakings which any such local unit is empowered to operate. Such contract shall be entered into in accordance with the procedures set forth for the entering into of joint service contracts in section 4 of the "Interlocal Services Aid Act".

b. A joint contract may provide for joint services in any service which any contracting local unit on whose behalf such services are to be performed is legally authorized to provide for itself. Such services shall include but not be limited to general government administration, health, police and fire protection, code enforcement, assessment and collection of taxes, financial administration, environmental protection, joint municipal courts, youth, senior citizens and social welfare programs.

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

d. No such joint contract shall authorize the operation of any property or service defined as a "public utility" by R.S. 48:2-13 except as may otherwise be provided by law.

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

7.a. The joint meeting shall be a public body corporate and politic constituting a political subdivision of the State exercising public and essential governmental functions to provide for the public health and welfare. The joint meeting shall have the following powers and authority, which may be exercised by the management committee to the extent provided 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 given in this act;

(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 such State or Federal aids or grants as may be available for the purposes of the joint meeting and to make and perform such agreements and contracts as may be necessary or convenient in connection with the application for, procurement, acceptance or disposition of such State or Federal aids or grants; and

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

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

Section 4 of P.L. 1952, c. 72 (C. 40:48B-4) is amended to read as follows:

4. The joint contract shall provide for the operation of the public services, public improvements, works, facilities or undertakings of the joint meeting, for the apportionment of the costs and expenses of operation required therefor among the contracting local units, for the addition of other local units as members of the joint meeting, for the terms and conditions of continued participation and discontinuance of participation in the joint meeting by the contracting local units, and for such other terms and conditions as may be necessary or convenient for the purposes of the joint meeting. The apportionment of costs and expenses may be based upon assessed valuations, population, and such other factor or factors, or any combination thereof, as may be provided in the

joint contract. The joint contract shall be subject to approval by resolution of the governing bodies of each of the local units prior to its execution by such official or officials as may be authorized to execute such joint contract. The joint contract shall specify the name by which the joint meeting shall be known. The joint contract may be amended from time to time by agreement of the parties thereto, in the same manner as the original contract was authorized and approved. A copy of every ordinance, resolution, joint contract and every amendment thereto shall be forthwith filed with the Commissioner of Community Affairs.

Section 5 of P.L. 1952, c. 73 (C. 40:48B-5) is amended to read as follows:

5. The joint contract shall provide for the constitution and appointment of a management committee to consist of one member to be appointed by the governing body of each of the local units executing same, who shall be a resident of the appointing local unit. Such appointee may or may not be a member of the appointing governing body. Each member of the management committee shall hold office for the term of 1 year and until his successor has been appointed and qualified. In the event that only two local units are parties to the contract, the management committee shall consist of three members, one selected from each by the governing bodies and one member selected by the two other members.

The management committee shall elect annually from among its members a chairman to preside over its meetings. The management committee may appoint such other officers and employees, including counsel, who need not be members of the management committee or members of the governing bodies or employees or residents of the local units, as it may deem necessary. The employees appointed by the management committee shall hold office for such term not exceeding 4 years as may be provided by the joint contract. The management committee shall adopt rules and regulations to provide for the conduct of its meetings and the duties and powers of the chairman and such other officers and employees as may be appointed. All actions of the management committee shall be by vote of the majority of the entire membership of the committee, except for those matters for which the contract requires a greater number, and shall be binding on all local units who have executed the joint contract. The management committee shall exercise all of the powers of the joint meeting subject to the provisions of the joint contract.

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

Section 7 of P.L. 1952, c. 72 (C. 40:48B-7) is amended to read as follows:

7. The cost of acquiring and constructing any public improvements, works, facilities, services or undertakings, or any part thereof, as determined by the management committee, shall be apportioned among the

participating local units as provided by the joint contract. Each local unit shall have power to raise and appropriate the funds necessary therefor in the same manner and to the same extent as such local unit would have if it were acquiring and constructing the same for itself, including the power to authorize and issue bonds or other obligations pursuant to the local bond law (N.J.S.A.40A:2-1 et seq.). The management committee shall certify to the participating local units the cost of such acquisition or construction, as well as the apportioned shares thereof, with 15 days after its action thereon.

Section 8 of P.L. 1952, c. 72 (C. 40:48B-8) is amended to read as follows:

8. The management committee shall, not later than November 1 of each year, certify to the participating local units the total costs and expenses of operation, other than acquisition and construction costs, of the services, public improvements, works, facilities or undertakings for the ensuing year, in accordance with the terms and provisions of the joint contract, together with an apportionment of such costs and expenses of operation among the participating local units in accordance with the method of apportionment provided in the joint contract. It shall be the duty of each participating local unit to include its apportioned share of such costs and expenses of operation in its annual budget, and to pay over to the management committee its apportioned share as provided in the joint contract. Operations under the budget and related matters shall be subject to and in accordance with rules of the Division of Local Finance. For the first year of operation under the joint contract, a participating local unit may adopt a supplemental or emergency appropriation for the purpose of paying its apportioned share of the costs and expenses of operation, if provision therefor has not been made in the annual budget.

Section 9 of P.L. 1952, c. 72 (C. 40:48B-9) is amended to read as follows:

9. The joint contract shall be terminated upon the adoption of a resolution to that effect by the governing bodies of 2/3 of the local units then participating; except that if only two local units are then participating, adoption of a resolution by both units shall be required to terminate the contract. Such termination shall not be made effective earlier than the end of the fiscal year next succeeding the fiscal year in which the last of the required number of local units adopts such resolution.

#### 40:8A-10. LEGISLATIVE INTENT

It is the intent of the Legislature to facilitate and promote inter-local and regional service agreements, and therefore the grant of power under this act is intended to be as broad as is consistent with general law relating to local government.

#### 40:8A-11. SEVERABILITY

If any clause, sentence, paragraph, section or part of this act shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but



shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

Section II

INTERLOCAL SERVICES AID ACT  
CHAPTER 289, LAWS OF 1973  
N. J. S. A. 40: 8B-1 TO 40: 8B-9

INTERLOCAL SERVICES AID ACT

Chapter 289, Laws of 1973

N.J.S.A. 40:8B-1 to 40:8B-9

An Act providing for State aid for joint provision of services by local units of government, providing for the procedures for granting such aid, and supplementing Title 40 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the "Interlocal Services Aid Act."

2. As used in this act:

a. "Governing body" means the committee, council, commission, board or body by whatever name known having charge of the finances of a local unit. In the case of counties it means the board of chosen freeholders, and in the case of school districts it means the district board of education, whether elected or appointed.

b. "Local Unit" means any county, municipality or school district in the State.

c. "Program" or "joint program" means a service, undertaking or operation to be provided or performed in accordance with this act by more than one local unit, whether it is to be performed through a joint meeting, by one of the local units for another on a contract basis, or in any other manner authorized by law.

d. "Quasi-governmental agency" or "paragovernmental agency" means any local authority or district, or other agency, whether a public agency or a private nonprofit agency or institution, whether or not supported in whole or in part by public funds, which performs a public function or service in any of the following areas: fire protection, first aid, welfare, social services, community development, community or regional planning, or public health.

e. "Joint meeting" means an agency established to provide a service to two or more units under the "Consolidated Municipal Services Act" (P.L.1952,c.72;C.40:48B-1 et seq.).

f. "Chief executive officer" means the mayor of a municipality, the elected county executive of a county, the director of the board of chosen freeholders in a county not having an elected county executive, and the chairman or other presiding officer of any other governing body.

3. The funds appropriated pursuant to this act shall be made available to qualified applicants for the following purposes:

a. to provide a service which, based on the evidence submitted pursuant to section 6 of this act, can only be provided adequately on a joint basis;

b. to provide a service which is currently not being provided at all or which, based on the evidence submitted pursuant to section 6 of this act, is being provided at a level substantially below the minimum needs of the recipients;

c. to promote consolidation of existing service systems to achieve efficiency and economy.

4.a. Any local unit may apply for a grant under this act to provide any or all of the services specified in section 5 of this act jointly with any other local unit or units. A quasi-governmental or para-governmental agency may also apply to participate in a joint program and receive aid under this act; but such application shall be made through the local unit or units served by or supporting such agency, and all grants to such agency shall be made through such local unit or units.

b. The local units applying for aid may provide the service in any manner authorized by the "Interlocal Services Act" (Chapter 208, Laws of 1973, N.J.S.A.40:8A et seq.), the "Consolidated Municipal Services Act" (P.L.1952,c.72;C.40:48B-1 et seq.), or in any other form authorized by law.

5. Applications for joint service program grants may be made covering any or all of the following areas of governmental service:

- a. joint assessment and collection of taxes;
- b. joint maintenance of municipal records and statistics and electronic data processing;
- c. Joint building, housing and plumbing code inspection and enforcement;
- d. joint solid waste collection and disposal;
- e. joint air pollution control inspection and enforcement;
- f. joint welfare and social service programs;
- g. joint maintenance and administration of parks and recreational and cultural facilities;
- h. joint maintenance of roads, public works and beaches;
- i. joint fire departments (Any intermunicipal volunteer department or company shall be eligible to apply pursuant to section 4 of this act, except that any intermunicipal volunteer fire program shall provide for the consolidation of all companies within the municipalities served. Such consolidation shall in no way be deemed to affect municipal aid to

fire companies under R. S. 40:47-27. For purposes of such aid, the consolidated company shall be eligible for the full amount of aid which its constituent companies might have received from any municipality had they remained separate entities.);

j. consolidation of municipal police forces or departments;

k. joint municipal courts.

6. No grant under this act shall be made to any joint program which has not submitted an approved plan of operations based on a feasibility study of the project conducted pursuant to this section. Such feasibility study shall be conducted by or under the supervision of the Department of Community Affairs, either (1) by the Department of Community Affairs or by an agency or agencies of the State of New Jersey approved by the Commissioner of Community Affairs, or (2) by a qualified third party approved by the Department of Community Affairs and by the principal executive officer of any principal executive department of State Government whose approval of such feasibility study is required by subsection b. of this section and by a majority of 2/3 or more of the applicant local units. Such plan of operations shall constitute the final element of the feasibility study when approved by the Commissioner of Community Affairs and by any and every principal executive officer of a principal executive department of State Government which exercises jurisdiction over the performance of the services to be provided jointly under the proposed program.

b. Any local units eligible for aid as defined in sections 3 and 4 of this act shall be eligible to apply for funds to conduct a feasibility study under the auspices of the Department of Community Affairs. Application for such shall include: the names of the proposed participants; certified copies of a resolution or substantially similar resolutions passed by the governing bodies of the participating units authorizing such application; the services for which joint programs are contemplated, and the expected benefits of such a joint program. The application shall be in such form and shall also contain such other information as may be required by the Commissioner of Community Affairs.

All grants for feasibility studies shall require the joint approval of the Commissioner of Community Affairs and the principal executive officer of any and every principal executive department of State Government which exercises jurisdiction over the performance of the services to be provided jointly under the proposed program.

c. The feasibility study shall include such detailed surveys of present service standards in the area to be served by the joint program as may be required to establish substantial evidence that a joint program would either enable provision of a needed service which could not otherwise be provided, or remedy existing levels of service provision, or otherwise produce better services at relatively lower unit costs or with more efficient administration, and that such joint programs would not adversely affect neighboring local units, and that no neighboring local unit which might benefit is being excluded from the program;

provided that any such local unit claiming exclusion had expressed a desire to be included in the feasibility study by giving written notice of such desire to the Commissioner of Community Affairs within 30 days from the date on which the commissioner made public announcement of the feasibility study grant.

d. Within 1 month of the completion of the feasibility study, the Department of Community Affairs shall hold a public hearing in each local unit to be included in the proposed joint program. After such hearings and upon submission and approval of a plan based thereon as provided in subsection a. of this section, the joint program shall be eligible for aid under this act. No joint program shall receive aid unless the governing bodies of all participating local units have passed identically worded resolutions ratifying the grant contract between the State and the participating local units.

If the feasibility study shall contain recommendations for establishing a joint service program, within 6 months from the date of the last public hearing on the feasibility study, the governing body of each local unit which participated in the study shall communicate in writing to the Commissioner of Community Affairs stating their intentions of implementing or their specific and detailed objections to implementing each recommendation made in the feasibility study for establishing a joint service plan.

e. The Commissioner of Community Affairs shall, upon formal request by the governing body or chief executive officer of any local unit, cause to be made a preliminary survey as to the eligibility of such local unit and any other local units for State aid under this act with respect to any joint arrangements for provision of services specified or suggested in such request. Such preliminary survey shall be of sufficient scope and detail to enable the commissioner to advise all local units concerned in the projected joint arrangement whether the circumstances warrant detailed feasibility study pursuant to subsections a., b., c. and d. of this section; and the commissioner shall transmit formal notice of the findings and conclusions of such preliminary survey to all the said local units concerned.

7.a. Local units in joint programs qualifying for aid for the implementation of joint programs under this act shall receive the following aid for 4 years:

(1) if the service provided under the joint agreement is one which the local unit has previously provided, an amount to cover all extraordinary administrative and operating costs incurred by the local unit as a result of implementation of the joint program;

(2) if the service provided under the joint agreement is one which the local unit has not previously provided, an amount equal to 10% of the total costs incurred by the local unit as a result of implementation of the joint program.

b.(1) In those areas in which the approved feasibility study indicates that previous service provided in any participating local unit was at such

a low level that minimum adequacy can be obtained only by substantial upgrading, the Commissioner of Community Affairs is hereby authorized to provide for aid on behalf of that unit in accordance with paragraph (2) of subsection a. of this section rather than paragraph (1).

(2) In the event that a local unit currently providing a service at or above minimum levels as determined by the approved feasibility study enters into a joint agreement with a unit or units eligible for aid under paragraph (2) of subsection a. of this section or under paragraph (1) of this subsection, aid to joint program on behalf of each local unit participating may be given as if all local units had qualified for aid under paragraph (2) of subsection a. of this section or under paragraph (1) of this subsection.

c. Aid payable under this act shall be subject to availability of State appropriations and to a budget estimate approved in advance by the Commissioner of Community Affairs. The local units shall receive such payment for a period not to exceed 4 years from the date of inception of the joint program.

d.(1) For the purposes of this act, "extraordinary operating and administrative costs" shall be deemed to be those operating and administrative costs incurred by a local unit for a service provided through a joint agreement which exceed the operating and administrative costs which it would have incurred for the provision of such service had such joint agreement not been implemented.

(2) For the purposes of this act, "operating and administrative costs" shall not include costs which are considered capital costs as set forth in section 40A:2-22 of the "Local Bond Law" (N.J.S.40A:2-22); except that the Commissioner of Community Affairs may declare as eligible for aid under this act such costs as in his judgment could reasonably be included within an operating budget notwithstanding the fact that they may be bondable.

(3) The amounts expended for extraordinary operating and administrative costs by each local unit receiving aid pursuant to paragraph (1) of subsection a. of this section, and the amounts expended for total operating and administrative costs by each other local unit receiving aid under this act, as the case may be, shall be certified each year by each local unit participating in a joint program, and approved by the Commissioner of Community Affairs subject to a performance audit performed by or under the auspices of the Department of Community Affairs.

8. Payments of aid moneys shall be made on a quarterly basis by the State Treasurer to the chief financial officer of the local unit or joint meeting charged under the program as approved for aid pursuant to section 6 of this act with providing the services for which the grant is made.

9. The Commissioner of Community Affairs may issue such rules and regulations as are necessary to effectuate the purposes of this act.

10. There is hereby appropriated for the purposes of this act such sums as may be included in any annual or supplemental appropriation act for such purposes.

11. This act shall take effect immediately.



Section III

POLICE ASSISTANCE IN OTHER MUNICIPALITIES;  
PAYMENT: RIGHTS IN EVENT OF CASUALTY  
OR DEATH  
N. J. S. A. 40A: 14-156

POLICE ASSISTANCE IN OTHER MUNICIPALITY:  
PAYMENT: RIGHTS IN EVENT OF CASUALTY OR DEATH

N. J. S. A. 40A: 14-156

In the event of an emergency the chief or other head of any municipal police department or force or any park police department or system or the mayor or chief executive officer of the municipality may request, from the chief or other head of the police department or force of any contiguous municipality, assistance outside the territorial jurisdiction of the department to which such request is directed for police aid, in order to protect life and property or to assist in suppressing a riot or disorder and while so acting, the members of the police department or force supplying such aid shall have the same powers and authority as have the members of the police department or force of the municipality in which such aid is being rendered.

The chief or head of the police department or force upon whom such a request for assistance is made shall provide such personnel and equipment as requested to the extent possible without endangering person or property within its own municipality.

Any municipality receiving assistance shall pay to the police department or force providing the assistance a sum computed at the rate of \$3.00 for each member and \$5.00 for each vehicle for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities.

If any member or officer of such other police department or force in rendering such assistance shall suffer a casualty or death, he or his designee or legal representative shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

L. 1971, c. 197, § 1, eff. July 1, 1971. Amended by L. 1972, c. 4, § 2, eff. Feb. 15, 1972.

Source: C. 40:47-12.1 (1941, c. 277 amended 1966, c. 104; 1968, c. 174; 1968, c. 211; 1969, c. 33).

Library References  
Municipal Corporations ↪ 188.  
CMJ. S. Municipal Corporations § 574.

Section IV

NEW JERSEY ASSEMBLY BILL NO. 1947  
(AS ADOPTED)  
TO AMEND N. J. S. A. 40A: 14-156

ASSEMBLY, No. 1947

STATE OF NEW JERSEY

Introduced May 20, 1976

By Assemblymen KAVANAUGH, EWING, D. GALLO, Assemblywoman CURRAN, Assemblymen BARRY, DORSEY, ORECHIO, FORAN, OTLOWSKI, CHINNICI, Assemblywomen BURGIO, MUHLER, Assemblymen VILLANE, SPIZZIRI, HAMILTON, PATERO, NEWMAN, RYS, DiFRANCESCO, PERSKIE, CODEY, SCANLON and KOZLOSKI

Referred to Committee on Municipal Government

An Act concerning mutual aid and assistance agreements among municipalities for fire and police protection in certain cases and amending N. J. S. 40A: 14-26 and N. J. S. 40A: 14-156.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. N. J. S. 40A: 14-26 is amended to read as follows:

40A: 14-26. In the event of an emergency the chief or head of any municipal fire department or force or the mayor or chief executive officer of any municipality may request from the chief or the head of the fire department or force of any other [contiguous] municipality assistance to protect life and property outside the normal territorial jurisdiction of the department to which such request is directed.

Explanation - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

The chief or head of the fire department or force upon whom such a request for assistance is made shall provide such personnel and equipment as requested to the extent possible without endangering person or property within its own municipality.

Any municipality receiving assistance shall pay to the fire department or force providing the assistance a sum computed at the rate of \$3.00 for each member and \$35.00 for each equipped fire apparatus for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities.

The members of the fire department or force of the municipality supplying assistance shall be compensated by said municipality at the same rate of pay, including overtime pay if applicable, that they receive for the performance of their regular duty, without regard to the amount of reimbursement paid by the municipality receiving assistance.

Volunteer fire departments shall be required to respond to such requests for assistance only to the extent they have agreed to do so in an agreement with a paid fire department or force or a municipality.

If any member or officer of such other fire department or force in rendering such assistance shall suffer any casualty or death he or his designee or legal representative shall be entitled to all salary, pension

rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other jurisdiction in which his duties are normally carried on.

2. N. J. S. 40A: 14-156 is amended to read as follows:

40A: 14-156. In the event of an emergency the chief or other head of any municipal police department or force or any park police department or system or the mayor or chief executive officer of the municipality may request, from the chief or other head of the police department or force of any [contiguous] municipality, assistance outside the territorial jurisdiction of the department to which such request is directed for police aid, in order to protect life and property or to assist in suppressing a riot or disorder and while so acting, the members of the police department or force supplying such aid shall have the same powers and authority as have the members of the police department or force of the municipality in which such aid is being rendered.

The chief or head of the police department or force upon whom such a request for assistance is made shall provide such personnel and equipment as requested to the extent possible without endangering person or property within its own municipality.

Any municipality receiving assistance shall pay to the police department or force providing the assistance a sum computed at the rate of \$3.00 for each member and \$5.00 for each vehicle for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities.

The members of the police department or force of the municipality supplying assistance shall be compensated by said municipality at the same rate of pay, including overtime pay if applicable, that they receive for the performance of their regular duty, without regard to the amount of reimbursement paid by the municipality receiving assistance.

If any member or officer of such other police department or force in rendering such assistance shall suffer a casualty or death, he or his designee or legal representative shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

3. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to eliminate the requirement now contained in N. J. S. 40A: 14-26, with respect to firefighting assistance, and N. J. S. 40A: 14-156, with respect to police assistance, that such assistance must be requested from a CONTIGUOUS municipality only. This purpose is effectuated through the elimination of the word "CONTIGUOUS" from both the aforesaid statutes. This bill also specifies that police and firemen of the municipality or municipalities rendering such emergency assistance "shall be compensated by said municipality (supplying such assistance) at the same rate of pay, including overtime pay if applicable, that they receive for the performance of their regular duty...."



Section V

NEW JERSEY SENATE BILL NO. 188  
(AS ADOPTED)  
TO AMEND N. J. S. A. 40A: 14-156

SENATE, NO. 188

STATE OF NEW JERSEY

Pre-Filed For Introduction In The 1976 Session

By Senators RUSSO and BEDELL

An Act concerning mutual aid and assistance agreements among municipalities for fire and police protection in certain cases and amending N. J. S. 40A: 14-26 and N. J. S. 40A: 14-156.

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. N. J. S. 40A: 14-26 is amended to read as follows:

40A: 14-26. In the event of an emergency the chief or head of any municipal fire department or force or the mayor or chief executive officer of any municipality may request from the chief or the head of the fire department or force of any other [contiguous] municipality assistance to protect life and property outside the normal territorial jurisdiction of the department to which such request is directed.

The chief or head of the fire department or force upon whom such a request for assistance is made shall provide such personnel and equipment

Explanation - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

as requested to the extent possible without endangering person or property within its own municipality.

Any municipality receiving assistance shall pay to the fire department or force providing the assistance a sum computed at the rate of \$3.00 for each member and \$35.00 for each equipped fire apparatus for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities.

The members of the fire department or force of the municipality supplying assistance shall be compensated by said municipality at the same rate of pay, including overtime pay if applicable, that they receive for the performance of their regular duty, without regard to the amount of reimbursement paid by the municipality receiving assistance.

Volunteer fire departments shall be required to respond to such requests for assistance only to the extent they have agreed to do so in an agreement with a paid fire department or force or a municipality.

If any member or officer of such other fire department or force in rendering such assistance shall suffer any casualty or death he or his designee or legal representative shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other jurisdiction in which his duties are normally carried on.

2. N.J.S. 40A: 14-156 is amended to read as follows:

40A: 14-156. In the event of an emergency the chief or other head of any municipal police department or force or any park police department or system or the mayor or chief executive officer of the municipality may request, from the chief or other head of the police department or force of any [contiguous] municipality, assistance outside the territorial jurisdiction of the department to which such request is directed for police aid, in order to protect life and property or to assist in suppressing a riot or disorder and while so acting, the members of the police department or force supplying such aid shall have the same powers and authority as have the members of the police department or force of the municipality in which such aid is being rendered.

The chief or head of the police department or force upon whom such a request for assistance is made shall provide such personnel and equipment as requested to the extent possible without endangering person or property within its own municipality.

Any municipality receiving assistance shall pay to the police department or force providing the assistance a sum computed at the rate of \$3.00 for each member and \$5.00 for each vehicle for each hour supplied unless terms and conditions for payment are otherwise provided for in an agreement between the several municipalities.

The members of the police department or force of the municipality supplying assistance shall be compensated by said municipality at the same rate of pay, including overtime pay if applicable, that they receive for the performance of their regular duty, without regard to the amount of reimbursement paid by the municipality receiving assistance.

If any member or officer of such other police department or force in rendering such assistance shall suffer a casualty or death, he or his designee or legal representative shall be entitled to all salary, pension rights, workmen's compensation and other benefits as if such casualty or death occurred in the performance of his duties in his own municipality or other territorial jurisdiction in which his duties are normally carried on.

3. This act shall take effect immediately.

Section VI

SPECIAL JOINT MUNICIPAL  
POLICE FORCE  
N. J. S. A. 40A: 14-158

SPECIAL JOINT MUNICIPAL POLICE FORCE

N. J. S. A. 40A: 14-158

Any two or more municipalities abutting upon the ocean or coastal waters may create by reciprocal ordinances a special joint municipal police force to control the said waters abutting such municipalities , to secure the enforcement of the laws prohibiting the discharge of debris, refuse or any waste or other matter or material into or upon said waters from any vessel afloat thereon, which may or shall tend to litter any established bathing beach or any beach customarily used for bathing purposes or which may or shall tend to pollute the waters adjacent to any such beach, and may organize the said force into a police system to be known as the "Special Joint Municipal Police of \_\_\_\_\_"  
(Names of such municipalities)

The police system shall consist of a chief and such subordinate officers and patrolmen as shall be deemed necessary and proper to enforce the said laws.

The governing bodies of the municipalities having such ordinances shall adopt reciprocal rules and regulations for the appointment and compensation, and for the management and control of the members of such police system for the securing of their proper discipline and efficiency, and may provide for the joint acquisition and maintenance of necessary vessels for the use of the said force by purchase, lease or otherwise.

The members of such police force may arrest on or after view and without warrant, and take before a court having local criminal jurisdiction in any of such municipalities any person found within any of such municipalities to have violated or violating the said laws. The said members shall have all the powers conferred by law on police officers or constables in the enforcement of the laws of this State and the apprehension of violators thereof.

For the purposes of this section, the waters of this State abutting any municipality shall be deemed to be a part of the territory of such municipality.

L. 1971, c. 197, o 1, eff. July 1, 1971.

Source: C. 40: 47-76 (1956, c. 116, § 1). C. 40: 47-77 (1958, c. 116, § 2). C. 40: 47-78 (1956, c. 116, § 3). C. 40: 47-79 (1956, c. 116 § 4). C. 40: - 47-80 (1956, c. 116 § 5).

Library References

Navigable Waters  $\Leftarrow$  2 et seq.  
C. J. S. Navigable Waters § 10 et. seq.



Part IV

Developing Information  
To Support the Reorganization  
of Law Enforcement Operations

Section I

FEASIBILITY STUDY OUTLINE  
FOR THE REORGANIZATION OF LAW ENFORCEMENT  
OPERATIONS

FEASIBILITY STUDY OUTLINE  
FOR THE REORGANIZATION OF LAW ENFORCEMENT  
OPERATIONS

- I. Describe how the law enforcement agencies to be involved are organized and managed in terms of the following:
  - A. Why the Information is Essential
  - B. Police Organization
    - 1. Legal Authority for Organization (i. e. state law, local ordinance, etc.)
    - 2. Legal Authority for Enforcement of Laws and Ordinances
    - 3. General Orders Describing Organization
    - 4. Organization Chart
    - 5. Assessment
  - C. Police Management
    - 1. Administrative Processes
    - 2. Leadership Structure
    - 3. Line and Nonline Relationships
    - 4. Assessment
  
- II. Describe how existing law enforcement services are provided by each agency to be involved in the reorganization in terms of the following:
  - A. Why the Information is Essential
  - B. Line Operations
    - 1. Police Patrol
    - 2. Police Traffic Supervision
    - 3. Criminal Investigation
    - 4. Vice
    - 5. Organized Crime
    - 6. Intelligence

7. Juvenile Services
8. Assessment

C. Staff Services

1. Personnel Management
2. Internal Controls
3. Planning and Research
4. Public Information and Community Relations
5. Assessment

D. Auxiliary Services

1. Records
2. Communities
3. Housing and Material (i. e. operations equipment)
4. Jail Management
5. Criminalistics
6. Assessment

III. Detail cost to provide law enforcement services for each agency to be involved in the reorganization.

- A. Why the Information is Essential
- B. Time Period to be Considered
- C. Types of Costs to be Considered

1. Salaries and Wages
2. Employee Benefits and Insurance Estimates (i. e. FICA; Retirement; Health Insurance; Bonds and Insurance; etc.)
3. General Operating Expenses (i. e. vehicle and equipment expenses; maintenance and repairs; communications expenses; supplies; etc.)
4. Capital Costs (i. e. purchase of equipment; building; etc.)
5. Miscellaneous

- D. If a government is not currently providing law enforcement services, estimate the costs to such an agency if it would have to establish such an operation

IV. Develop a law enforcement manpower inventory for each agency to be involved in the reorganization.

A. Why the Information is Essential

B. Types of Data to Collect Concerning Manpower

1. Name
2. Job Title
3. Age
4. Years of Experience in Law Enforcement
5. Length of Time with Department
6. State Law Enforcement Certification Status
7. Training Completed or Undertaken
8. Other Related Information
9. Assessment

V. Develop an equipment and facilities inventory for each agency to be involved in the reorganization.

A. Why the Information is Essential

B. Types of Data to Collect Concerning Equipment and Facilities

1. Building (including condition; location; size; usage, etc.)
2. Operations Equipment (i. e. binoculars, cameras, crime scene huts; emergency medical equipment; etc.)
3. Vehicles (including condition; age; etc.)
4. Communications Equipment (i. e. teletype units; base station equipment; portable units; etc. including condition, location, model, and so on).
5. Personal Equipment (i. e. uniform and equipment such as badges, flashlights, batons, rain coats, side arms, etc.).
6. Armament
7. Office Equipment (i. e. typewriters; calculators; transcribing and recording equipment; filing cabinets; etc.)
8. Assessment

- VI. Develop information of the nature of criminal activity and services requests in each jurisdiction to be involved in the reorganization.
- A. Why the Information is Essential
  - B. Time Period to be Considered
  - C. Types of Data to be Collected
    - 1. Uniform Crime Report Figures (if data is available as to "time of day" and "day of week" also note)
    - 2. Calls for Services by Type and Number
  - D. Assessment
- VII. Develop demographic information on the nature of each jurisdiction to be involved in the reorganization.
- A. Why the Information is Essential
  - B. Time Period to be Considered
  - C. Types of Data to be Collected
    - 1. Population
    - 2. Geographic Area
    - 3. Racial Mix
    - 4. Housing Units by Type
    - 5. Average Income of Residents
    - 6. Age Breakdown of Population
    - 7. Industrial Mix
  - D. Assessment
- VIII. Describe how services might be provided on a reorganized basis and compare with existing situation.
- A. Detail how the service delivery would be organized and administered
  - B. Describe exactly what services would be provided.
  - C. Detail the estimated costs for providing the reorganized services.

- D. Discuss what would happen to personnel for each agency in terms of job tenure, benefits, etc.
  - E. Discuss how equipment and facilities transfer might be affected and how their value could be accounted for in the reorganization process.
  - F. Explain the types of interjurisdictional policy groups that might be structured to insure that each locality has a continuing say in the operations of the reorganized law enforcement operation.
- IX. Describe necessary next steps to insure that reorganization can be considered.
- A. The Need to Develop an Implementation Plan
  - B. Important Factors to Consider in the Implementation Process (i. e. who to contact and why, etc.)
- X. Summarize the costs and benefits that would result from reorganizing the law enforcement operations.
- A. Why the Summary is Essential
  - B. Why Review the Costs as Well as the Benefits





**END**