

BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 17-55

RESOLUTION SUPPORTING THE FILING OF A COMPLAINT BY THE NEW JERSEY ASSOCIATION OF COUNTIES WITH THE NEW JERSEY COUNCIL ON LOCAL MANDATES THAT THE CRIMINAL JUSTICE REFORM ACT N.J.S.A. 2A:162-15 ET SEQ., CONSTITUTES AN UNFUNDED STATE MANDATE IN VIOLATION OF ARTICLE VIII, SECTION II, PARAGRAPH V OF THE NEW JERSEY CONSTITUTION

Councilwoman Schwabenbauer offered the following resolution and moved its adoption:

**WHEREAS**, the Criminal Justice Reform Act will impose upon municipal governments an undue financial hardship to implement as each municipality in some capacity must hire new personnel, invest in new equipment and information technology and make capital and other necessary improvements to jail, court and ancillary court facilities; and

**WHEREAS**, the New Jersey Council on Local Mandates is responsible for resolving disputes on whether a law, rule or regulation adopted after 1996 constitutes an unfunded mandate; and

**WHEREAS**, an unfunded mandate upon boards of education, municipalities and counties is a law, rule or regulation that does not authorize resources, other than the property tax, to offset additional direct expenditures required to implement said law, rule or regulation; and

**WHEREAS**, other than the collection of local property taxes, the Criminal Justice Reform Act did not allocate monies to county governing bodies to offset the costs associated with implementing and administering the Criminal Justice Reform Act in violation of New Jersey's constitution.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Red Bank, County of Monmouth, does in fact hereby support the filing of a complaint by New Jersey Association of Counties with the New Jersey Council on Local Mandates that the Criminal Justice Reform Act (N.J.S.A. 2A: 162-15 et. Seq.) constitutes an unfunded State mandate in violation of Article VIII, Section II, Paragraph V of the New Jersey Constitution.

**BE IT FURTHER RESOLVED** that the Clerk forward a certified copy of this Resolution to the Governor of the State of New Jersey, the President of the New Jersey State Senate, the Speaker of the General Assembly, the New Jersey Association of Counties, Office of the County Council and all Monmouth County Municipalities.

Seconded by Councilman Taylor and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yngstrom	( X )	( )	( )	( )
Councilman Zipprich	( X )	( )	( )	( )
Councilwoman Horgan	( X )	( )	( )	( )
Councilwoman Schwabenbauer	( X )	( )	( )	( )
Councilman Taylor	( X )	( )	( )	( )
Councilman Whelan	( X )	( )	( )	( )

Dated: March 8, 2017

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on March 8, 2017.

*Pamela Borghi*

Pamela Borghi, Municipal Clerk