

PUBLIC NOTICE

COMMUNITY AFFAIRS

DIVISION OF LOCAL GOVERNMENT SERVICES

Notice of Action on Petition for Rulemaking

Local Government Ethics Law

N.J.A.C. 5:35

Petitioner: Mr. John Paff, Chairman, Open Government Advocacy Project, New Jersey Libertarian Party.

Take notice that on May 12, 2016, the Director of the Division of Local Government Services in the Department of Community Affairs received a petition for rulemaking from the above petitioner requesting a rule be promulgated defining which types of local government employees, contractors, and appointees are managerial executive employees of a local government agency and, thus, among the categories of persons that fall under the Local Government Ethics Law's definition of "local government officer" pursuant to N.J.S.A. 40A:9-22.3.g. A notice acknowledging receipt of the petition and summarizing its contents was published in the June 20, 2016 New Jersey Register at 48 N.J.R. 1319(b).

Take further notice that the above-referenced petition was referred by the Director to Division of Local Government Services staff for further deliberation and recommendation on further action pursuant to the time period set forth in N.J.A.C. 1:30-4.2(a)3. A notice of action on the petition was published in the August 1, 2016 New Jersey Register at 48 N.J.R. 1504(a).

Take further notice that Division of Local Government Services staff has recommended that the Director find the rulemaking petition meritorious, and further recommended that the Director promulgate a rule that would set forth titles, or responsibilities equivalent to such titles, that would be defined as a “managerial executive employee” and, thus, be required to file an annual disclosure statement pursuant to N.J.S.A. 40A:9-22.6.

Take further notice that the Director of the Division of Local Government Services has, upon due consideration, determined that the rulemaking petition has merit, and further directed that an appropriate rule in accordance with the staff recommendation be crafted for proposal and solicitation of public comment. Upon such direction, Division staff has crafted proposed new N.J.A.C. 5:35-2.1, which the Director has approved and caused to be filed with the Office of Administrative Law. The notice of proposal is published elsewhere in this issue of the New Jersey Register.

A copy of this public notice has been mailed to the petitioner.