

**PUBLIC NOTICE**

**COMMUNITY AFFAIRS**

**LOCAL FINANCE BOARD**

**Notice of Receipt of Petition for Rulemaking**

**Certifications of Available Funds**

**N.J.A.C. 5:30-5.4 and 5.5**

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

**Take notice** that on March 30, 2016, the Local Finance Board received a petition for rulemaking from the above petitioner requesting that the Board amend N.J.A.C. 5:30-5.4(a) to require that all Certifications of Available Funds explicitly set forth the maximum dollar amount of the contract to be awarded, and further require that any governing body resolution awarding a contract shall also display the maximum dollar value of the contract. In addition, petitioner seeks amendments to N.J.A.C. 5:30-5.5 that would harmonize the amendments petitioner seeks to N.J.A.C. 5:30-5.4. Petitioner states that requiring chief financial officers and certifying finance officers to certify in writing to the maximum dollar value of contracts pending approval would foster the public's ability to monitor government spending and maximize the amount of information available to citizens from government agencies.

On August 5, 2014, the Local Finance Board received a petition for rulemaking from the above petitioner requesting that the Board amend N.J.A.C. 5:30-5.4(a) to require that all Certifications of Available Funds explicitly set forth the maximum dollar value of the contract to be awarded. A notice acknowledging receipt of the petition and

summarizing its contents was published in the September 15, 2014 New Jersey Register at 46 N.J.R. 1977(b). The petition was considered by the Local Finance Board at its public meeting on September 10, 2014. At that time, the Board determined to refer the matter to Division of Local Government Services staff for further deliberation and recommendation on further action within 90 days. A notice of action on the petition for rulemaking was published in the November 3, 2014 New Jersey Register at 46 N.J.R. 2199(a).

Division of Local Government Services staff subsequently recommended that the Board propose an amendment to N.J.A.C. 5:30-5.4 that would: 1) require the certification of available funds to set forth the maximum dollar amount of the contract pending approval by the governing body; 2) bar the certifying financial officer from issuing a certification of funds unless the maximum dollar value of the contract pending approval by the governing body is provided; and 3) require the resolution awarding the contract set forth the maximum dollar amount of the contract. At its December 10, 2014 meeting, the Local Finance Board upon due consideration voted to propose an amendment to N.J.A.C. 5:30-5.4 with the above-referenced requirements in the interest of obtaining public comment. The notice of proposal was published in the January 20, 2015 New Jersey Register at 47 N.J.R. 247(a). Action was not taken by the Board prior to January 20, 2016, and as such, the above-referenced notice of proposal expired pursuant to N.J.A.C. 1:30-6.2(c).

In accordance with the provisions of N.J.A.C. 1:30-4.2, the Board shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.