

NEW JERSEY

COUNTY GOVERNMENT OVERVIEW

Counties

21

Government Form

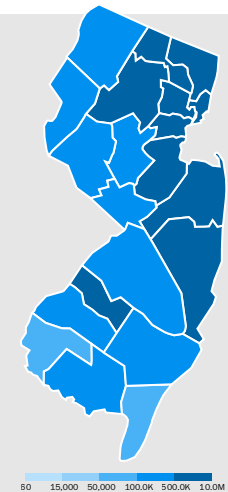
Mixed¹

Governing Body Size

3-9

Population (2020)

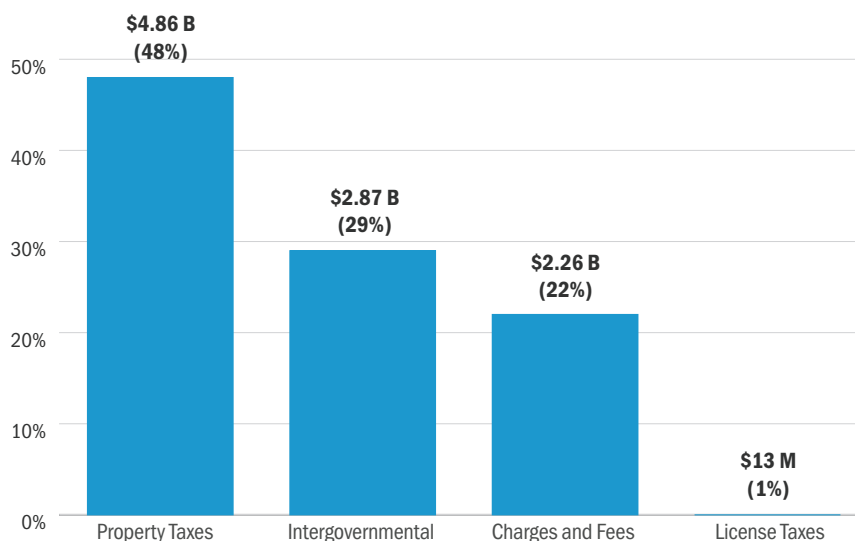
9.3 million²



County Authority

Mix of Home Rule and Dillon’s Rule: Despite home rule not being granted by name, the New Jersey constitution establishes that the constitutional and statutory provisions regarding the governance of counties shall be construed liberally in the favor of the counties. While six counties have adopted a charter form of government, the general authority of counties is more limited than that of municipalities.

TOP REVENUE SOURCES FOR NEW JERSEY COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

¹“Government Form” refers to the distribution of executive decision making authority in a county. “Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority. “Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- Coordinate emergency responses.
- Establish free public libraries.
- Develop plans for community mental health services.

Services counties **CAN** provide:

- Establish a county health department, own and operate a hospital, provide childcare programs and establish a welfare board.
- Construct roads and highways.
- Create housing authorities.

Services counties **CANNOT** provide:

- Establish fire departments. Fire districts are established by municipality ordinances.
- Enforce zoning regulations.

STRUCTURE/AUTHORITY

SUMMARY

New Jersey counties are governed by a board of three to nine county commissioners and may elect a chief county executive as well. The board of commissioners of a county is responsible for passing whatever ordinances and resolutions it deems necessary and proper for the good governance of the county. While not every county has a chief executive officer, all counties in New Jersey have an appointed administrator. Counties are authorized by the state legislature to employ county executives, county supervisors and county managers, all of which have different duties and powers that have been outlined in the state statute. New Jersey legislation also includes a system by which counties are classified based on the population. The structure of a county and its authority to provide services and levy taxes may be dependent on its classification.

Row Officers	Elected/ Appointed	Required/ Optional
Clerk	Elected	Mandatory
Register of Deeds*	Elected	Optional
Sheriff	Elected	Mandatory
Superintendent of Elections	Appointed	Optional
Surrogate	Elected	Mandatory

*A register of deeds has only been elected in Hudson and Essex counties. New Jersey law was adapted to allow county clerks to assume the responsibility of the register of deeds and mortgages.



COUNTY STRUCTURE

Legislative Branch: A board of 3-9 commissioners acts as the legislative decision-making body for counties.

Executive Branch: A board of 3-9 commissioners acts as the executive decision-making body for counties. Counties may also elect a chief executive officer.

Judicial Branch: The New Jersey superior courts are the main trial courts in New Jersey. They hear all criminal, civil and family cases. Superior courts are divided into four main types: criminal cases, civil cases, family cases and tax cases. Each of New Jersey's 21 counties contains a superior court. New Jersey also has a tax court which hears appeals of decisions made by county boards of taxation.

Optional Forms of Government:

- Board of Commissioners
- County Executive Plan
- Charter



COUNTY AUTHORITY

Executive Power: County authority in New Jersey is more limited than that for municipalities. Subject to the provisions of a county charter or of general law, counties may organize and regulate its internal affairs and create, alter and abolish offices. Counties may also adopt, enforce and repeal ordinances and construct and maintain public projects. The county executive in counties that have adopted the county executive plan has the responsibility of supervising, directing and controlling all county administrative departments. The executive also has the authority to approve or veto any ordinance of the board. A veto may be overridden by a two-thirds vote by the board of commissioners.

Ability to Form Partnerships: Counties may enter into contractual agreements with any other governmental body or group of bodies that are within state borders. These contracts must specify the terms for rendering services as well as the level, quality, cost, duration and scope of the services to be performed.

Call a State of Emergency: Only the governor of New Jersey may declare a state of emergency and is granted the authority to utilize all available resources. Counties, however, must appoint an emergency management coordinator to coordinate emergency responses with the state government.

Special Districts: New Jersey has around 247 special districts throughout the state. There are 11 different types of authorities, commission and special districts that may exist, including county improvement authorities, fire districts and joint water commissions.

SERVICES

OVERVIEW OF COUNTY SERVICES

New Jersey counties have broad jurisdiction over many services and usually are found to delegate much of the administration to special districts, commissions or authorities. For example, counties may establish county park commissions, welfare boards and improvement authorities to carry out certain services. Counties have authority over the provision of county road services, police services, special and vocational schooling, public libraries and certain utilities such as water, sewage and solid waste collection. While there are some services that counties are restricted from being directly involved in, such as fire departments, school districts or zoning, county boards may still choose to advise on or finance related services.



HEALTH AND HUMAN SERVICES

County Health Department: The board of commissioners of any county may establish a county health department or, alternatively, the board must provide a detailed report describing the manner in which health services will be delivered to county residents.

Hospitals: Counties may own and operate a county hospital for the purpose of serving their residents. If a county does not own a hospital, they can establish a hospital authority for the purpose of acquiring a hospital.

Senior Care Facilities: Counties do not own or operate senior centers but may make voluntary contributions to non-profits that operate senior centers in their counties.

Mental Health Services: Counties have the option to appoint a county mental health board but are required to develop plans of community mental health services and to make relevant recommendations to local agencies, the community mental health board and the state department of institutions and agencies.

Child Welfare: Counties may choose to appropriate funds to provide childcare programs through non-profit childcare centers.

Welfare: Counties may establish a welfare board to distribute state and federal funding for social service programs.



INFRASTRUCTURE

Roads: Counties may lay out, acquire, improve and maintain roads and highways throughout the county. A board of commissioners may issue bonds to pay for road construction or improvement if the county does not have sufficient funds.

Utilities: Counties are not granted powers regarding electricity production outside of hydroelectricity but are granted authority on the provision of water and sewage utilities. Any county may create a public body corporate and politic utility authority consisting of five members appointed by the county. The utility authority is granted full responsibility and power on the establishment, collection, enforcement, use and the collection of fees for the provided utility services. Counties and municipalities may agree to a joint municipal authority to provide water, sewage or solid waste services.

- **Water:** Counties and county utility authorities are authorized to acquire, construct, maintain or operate works for the accumulation, supply or distribution of water.
- **Sewage:** Counties and county utility authorities are authorized to work for the collection, treatment, purification or disposal of sewage or other waste.
- **Solid waste:** Counties and county utility authorities are authorized to provide collection, treatment, recycling and disposal of solid waste.
- **Electric:** Counties and county utility authorities are only allowed to provide dams and facilities used for the generation of hydroelectric power.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: The county board may appoint members to a board of recreation commission which is granted full control over all lands, playgrounds and recreation locations. Counties and municipalities are responsible for the upkeep of their parks. The funding for this upkeep and further construction comes from the counties and municipalities themselves.

County Park Commissions: First- and second-class counties which by state legislation are defined as having a population greater than 200,000 may appoint a county park commission to acquire and maintain public spaces, indoor and outdoor recreation facilities and parks. Counties may charge fees or rent on the use of facilities such as golf courses, zoos, nature centers, sport centers and boating areas. The commission may also appoint a police system to enforce the rules and regulations of the park.

Libraries: Every county board must establish a free public library upon the approval of county voters. A county may contract out their library services to any existing type of library for the purpose of providing a free county library for their residents. A county may not construct a library without first demonstrating the required taxes and levies needed to pay for the construction and thereafter maintenance to the state's head of the library development bureau.



ZONING AND DEVELOPMENT

Zoning Power: The power to zone lies with municipalities rather than with the counties; however, counties may form a county planning board that can put forth a guiding master plan to influence the decisions made by municipalities.

Zoning Restriction: The zoning ordinances municipalities pass may not interfere with the operation of youth group homes or favor public over private schools or vice versa. The master plans of counties would have to follow these laws in order to be valid.

Housing Authority: Any county may establish a housing authority and no municipality within a county may establish its own housing authority without permission of the county housing authority.

County Improvement Authority: Counties may create and appoint members to a county improvement authority which finances, constructs and operates public buildings and facilities for transportation, solid waste disposal, aviation and low-income housing and redevelopment projects. The authority may collect fees, accept intergovernmental funding and issue revenue bonds to fund these projects.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: Any county may create a county police department and has the power to enforce the rules and regulations of the county government. The sheriff of each county must appoint deputies and officers who shall serve court processes, attend court proceedings and investigate and apprehend violators of the law.

Jails: Counties may establish jails by submitting plans to be approved by the New Jersey Office of County Services.

Courthouses: Each county must provide suitable courtrooms, chambers, equipment and supplies necessary for the processing and decision of cases from that county in the law division and the family part of the chancery division.

Fire: Counties cannot establish fire departments as fire districts are established by municipal ordinances. However, counties may create a county fire marshal position to assist and advise local departments.

Ambulance: Counties may provide a volunteer ambulance association and may purchase any additional equipment it deems necessary.

Emergency Management Agency: While a state of emergency can only be declared by the governor of New Jersey, counties must appoint an emergency management coordinator to coordinate emergency responses with the state.



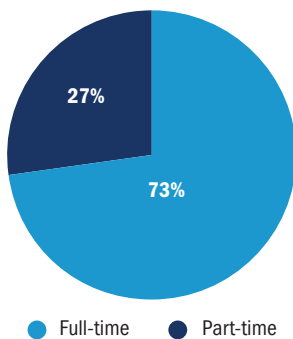
SCHOOLS

Education, Generally: The state is responsible for providing and funding public school system, setting education standards, and providing reasonable transportation for children. Counties are responsible for contributing financially to the state fund.

School Boards: A board of commissioners may, by resolution, establish a board of education for a county special services school district and a county vocational school district. Counties may also create a consolidated board of education.

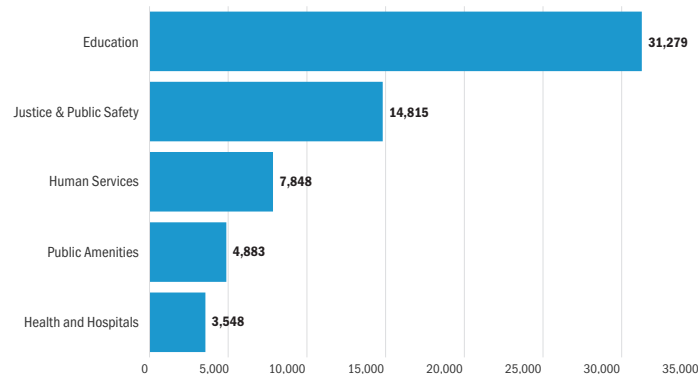
Community Colleges: Counties may establish a community college with consent of the state commission on higher education.

NEW JERSEY COUNTIES EMPLOY 73,456 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

NEW JERSEY COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

While New Jersey counties have broad home-rule power, the state limits taxing and borrowing authority. Counties raise most of their funds through real property taxes and may set the rate in accordance with the budget, but they shall not increase it by more than 2.5 percent or the cost-of-living adjustment, whichever is less, of the previous year's county tax levy. Counties may also levy personal property taxes but only on petroleum refineries and telecommunication companies. Other than property taxes, counties rely on intergovernmental revenues and services fees for funding.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Counties may levy property taxes and set the tax rate, but the collection of the tax is the responsibility of the municipalities. Counties may not increase the county tax levy in excess of 2.5 percent of the previous year's county tax levy or in excess of the cost-of-living adjustment (whichever is less).

Personal Property: Taxes on personal property are limited to petroleum refineries and business property used for telecommunications.

Income Tax: Counties cannot impose income taxes.

Sales Tax: Counties cannot impose sales taxes.

Mineral Tax: Counties cannot impose a mineral tax.

Gas/Fuel Taxes: Counties cannot impose gas or fuel taxes.

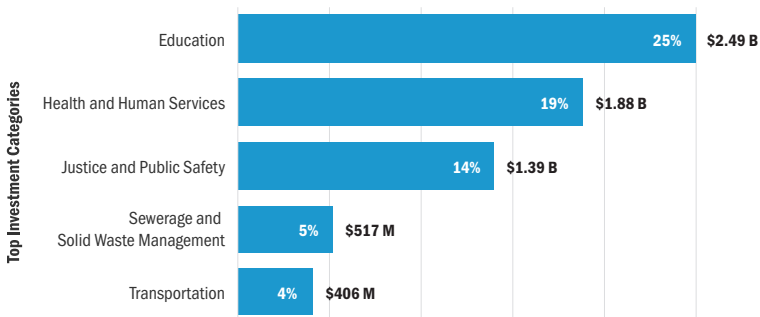
Debt and Debt Limit: Counties may incur indebtedness, borrow money and authorize obligations for financing. Counties are also authorized to issue bonds as long as they do not exceed 2 percent of the value of taxable real estate in the county.

State Shares

- **Insurance Premiums Tax:** Counties receive payments from the state to replace the revenue from the repealed insurance franchise tax on domestic insurance corporations. The state treasurer pays an annual amount to each county and municipality in which the principal office of a domestic insurance company is located.
- **Property Tax Relief Fund:** Taxes collected under the provisions of the Property Tax Relief Fund act are deposited by the state treasurer in a special account to be known as the Property Tax Relief Fund. The money is appropriated to counties pursuant to a legislative established formula.

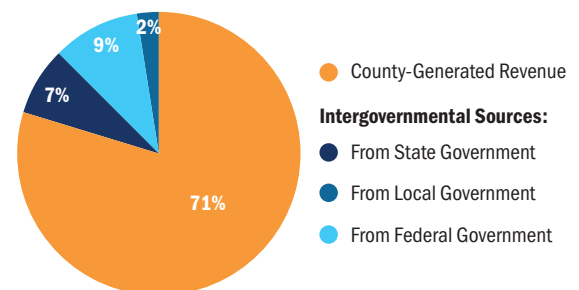
County Pollution Control Financing Authorities: County governing bodies may create authorities to finance industrial pollution control facilities which are led by a five-member board appointed by the county. The authorities may fix rentals and other charges and may issue revenue bonds.

NEW JERSEY COUNTIES INVEST \$10 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - 2017 Census of Individual Governments: Finance

NEW JERSEY COUNTIES RECEIVE \$2.9 BILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017