



Date Adopted

Committee

April 15, 2020

Administrative

**RESOLUTION OF THE SALEM COUNTY BOARD OF CHOSEN FREEHOLDERS
ACKNOWLEDGING ITS LEGAL OBLIGATION TO COMPLY WITH THE ARBITRATION PANEL
DETERMINATION IN THE MATTER OF THE STATE OF NEW JERSEY JUDICIARY,
CUMBERLAND/GLOUCESTER/SALEM VICINAGE vs THE SALEM COUNTY BOARD OF
CHOSEN FREEHOLDERS, SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, DOCKET
NO.: BUR-L-1707-17**

WHEREAS, pursuant to the State of New Jersey Constitution and the State Judicial Unification Act, N.J.S.A. 2B:10-1 through 9, effective January 1, 1995, the State of New Jersey is responsible for “certain” judicial costs previously born by the counties. See N.J. Const. Art. VI, § VIII, ¶ 1(a)(1), (2) and (3), and N.J.S.A. 2B:10-3c and N.J.S.A. 2B:10-4a; and

WHEREAS, pursuant to N.J. Const. Art VI, § VIII, ¶ 1(b)(1), (3), the County is responsible for “judicial facility costs,” with regard to the operation and maintenance of facilities used by the courts or judicial employees; and

WHEREAS, N.J.S.A. 2B:6-1(b) specifically requires the county to pay for and provide “suitable facilities” for the Law Division and Family Part of the Chancery Division of the Superior Court; and

WHEREAS, furthermore, the New Jersey Supreme Court has held that the responsibility for the capital costs of constructing, expanding and renovating court facilities remains with the Counties (See Bd. of Chosen Freeholders v. State 159 N.J. 565 (1999)); and

WHEREAS, the Courts have further held that the “division of financial responsibility” in N.J.S.A. 2B:6-1(b) was intended to benefit the State by requiring local funding for certain court facilities (See Warren County Bar Ass’n v. Board of Chosen Freeholders of County of Warren, 386 N.J. Super 194, 201 (App.Div.); and

WHEREAS, in 2017, the New Jersey Judiciary has instituted litigation against the County of Salem attempting to force the County to provide the Judiciary housed in the County of Salem with additional space (See State of New Jersey Judiciary, Cumberland/Gloucester/Salem Vicinage v. The Salem County Board of Chosen Freeholders, Superior Court of New Jersey, Law Division, Docket No.: Bur-L-1707-17), and

WHEREAS, pursuant to New Jersey Court Rule 1:33-9. “Any dispute between the county governing body and the Assignment Judge concerning the location, size or other physical characteristics of courtrooms, chambers, office space or related facilities, shall, at the request of either party, be resolved by submission of the dispute to arbitration;” and

WHEREAS, the afore-mentioned Arbitration proceedings have been ongoing since 2017 with the County vigorously defending its position that the current facilities are sufficiently adequate to meet the needs of the Citizens of the County of Salem; and

WHEREAS, on or about February 21, 2020, after hearing evidence, the duly appointed Arbitration Panel rendered its decision finding that the Salem County Courthouse Facilities are inadequate and therefore do not satisfy the County's obligations and in violation of the New Jersey Constitution and N.J.S.A. 2B:6-1(b); and

WHEREAS, the Arbitration Panel has further Ordered the County of Salem to present an appropriate remedy for those inadequacies, which include adding additional office space, courtrooms, and overall square footage to the facility to accommodate the expanded operational requirements of the Judiciary; and

WHEREAS, the Salem County Board of Chosen Freeholders remains in staunch opposition to the determination made by the Arbitration Panel and remains adamant that the current condition of the courthouse facilities are, in fact, sufficient to meet the needs of the Judiciary; and

WHEREAS, the Salem County Board of Chosen Freeholders is especially concerned about the ultimate taxpayer expense associated with costs of expanding the Salem County Courthouse Facility; and

WHEREAS, however, the Salem County Board of Chosen Freeholders does acknowledge that it has a legal obligation to now comply with the Order of the Arbitration Panel to expand the present Courthouse Facility to provide sufficient space for the Judiciary; and

WHEREAS, the Salem County Board of Chosen Freeholders has determined that it is in the best interests of the citizens of the County of Salem to now present an appropriate remedy to the Panel in compliance with said order in an effort to retain sufficient control over the potential cost's associated with such a project so as therefore to protect the Citizens from an unreasonable tax burden; and

WHEREAS, in order to accomplish this, the Salem County Board of Chosen Freeholders will present plans and undertake the construction of a renovated and expanded Courthouse Facility as per the determination of the Arbitration Panel; and

WHEREAS, The Board has not changed its long-standing position in support of the overwhelming opinion expressed by the citizens of the County of Salem that the current facilities are adequate and any renovations or expansions are unnecessary and too costly. As such, the Salem County Board of Chosen Freeholders is proceeding with this course of action solely due to the mandate imposed by the Arbitration Panel.

NOW THEREFORE, BE IT RESOLVED, that the Board of Chosen Freeholders of the County of Salem that:

1. The Board is in staunch opposition to the determination that the current courthouse facilities are inadequate for the needs of the New Jersey Judiciary;
2. The Board hereby acknowledges that it does have a legal obligation under the New Jersey Constitution and the Statutes of the State of New Jersey, to comply with the decision and order rendered by the Arbitration Panel; and

- The Board will present plans and further undertake the construction of a renovated and expanded Courthouse Facility at this time.

BENJAMIN H. LAURY, Freeholder Director
Board of Chosen Freeholders

I hereby certify the foregoing to be a true resolution adopted by the Board of Chosen Freeholders of the County of Salem on April 15, 2020.

STACY L. PENNINGTON
Clerk of the Board

RECORD OF VOTE

FREEHOLDER	AYE	NAY	ABSTAIN	ABSENT	RESOLUTION MOVED	RESOLUTION SECONDED
G. Ostrum, Jr.	✓					
C. Hassler	✓					✓
L. Ware	✓					
R.S. Griscom	✓				✓	
B. Laury	✓					

✓ Indicates Vote

Department Initials _____