

**PETITION FOR RULEMAKING
TO THE DEPARTMENT OF COMMUNITY AFFAIRS**

1. The full name and address of the petitioner;

John Paff, Chairman of New Jersey
Libertarian Party's Open Government Advocacy Project
2106 S Cypress Bend Dr Apt 102
Pompano Beach, FL 33069

2. The substance or nature of the rulemaking that is requested;

a) To amend N.J.A.C. § 5:30-5.4(a)1 and N.J.A.C. § 5:30-5.4(a)2 as follows:

1. The chief financial officer or certifying finance officer, as appropriate, charged with the responsibility of maintaining the financial records of the contracting unit shall certify in writing to the governing body the availability or lack thereof of adequate funds for each contract which is pending approval by the governing body. Said certification shall designate specifically the line item appropriation(s) of the official budget to which the contract will be properly charged and the maximum dollar value of the contract pending approval by the governing body, ensuring that the same funds shall not be certified as available for more than one pending contract. Said officer shall be solely responsible for the accuracy of the certification. No chief financial officer or certifying finance officer shall issue a certification of available funds unless the governing body provides the maximum dollar value of the contract.

2. No resolution authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11-1 et seq. or any other law for the expenditure of public funds to a vendor shall be enacted unless it shall recite that such a certificate showing availability of funds has been provided. The resolution shall specify the exact line item appropriation(s) or ordinance which shall be charged, and the maximum dollar value of the contract.

b) To amend N.J.A.C. § 5:30-5.5 to harmonize it with the changes made to N.J.A.C. § 5:30-5.4(a)1 and N.J.A.C. § 5:30-5.4(a)2.

3. The reasons for the request;

On August 5, 2014, Petitioner filed a petition seeking changes similar to those requested herein. See 46 N.J.R. 1977(b). In response to that petition, the Local Finance Board proposed a rule. PRN 2015-007, 47 N.J.R. 247(a). That proposal expired on January 20, 2016 pursuant to N.J.A.C. 1:30-6.2(c).

Petitioner was informed by a September 1, 2015 e-mail that the Board's staff was "contemplating recommending repropoed amendments to NJAC 5:30-5.4 alongside newly proposed amendments to NJAC 5:30-5.5. Comments we've received on the original proposal make a compelling case that any amendments pertaining to certifications of available funds must expressly account for special situations set forth in NJAC 5:30-5.5." Unfortunately, action was not taken prior to the proposal's expiration.

Petitioner still seeks the proposed amendments to N.J.A.C. § 5:30-5.4(a) and now, having been notified by staff of necessary, corresponding amendments to N.J.A.C. § 5:30-5.5, seeks those amendments as well.

4. The petitioner's interest in the request, including, without limitation, any relevant organizational affiliation or economic interest; and

Petitioner Paff chairs the New Jersey Libertarian Party's Open Government Advocacy Project which seeks to maximize the amount of information available to citizens from government agencies. We believe that without prompt and meaningful access to governmental information, citizens and taxpayers are unable to effectively fulfill their vital role in monitoring government and seeking redress for governmental excesses and abuses.

Requiring chief financial officers and certifying finance officers to certify in writing to the maximum dollar value of contracts pending approval by the governing body will foster the public's ability to monitor government spending.

Neither Paff nor the New Jersey Libertarian Party has any economic interest in the outcome of this petition.

5. The statutory authority under which the Department may take the requested action.

N.J.S.A. 40A:4-83, N.J.S.A. 52:27BB-10 and N.J.S.A. 52:27BB-32