

County Counsel

RESOLUTION OPPOSING THE EXTENSION OF EXECUTIVE ORDERS BY
GOVERNOR MURPHY BEYOND THE PUBLIC HEALTH EMERGENCY

WHEREAS, on March 9, 2020, Governor Murphy declared a Public Health Emergency relating to the COVID-19 pandemic; and

WHEREAS, the Governor's temporary emergency powers at the outset served the purpose of handling the COVID-19 pandemic at the time when the virus was new to the residents of New Jersey; and

WHEREAS, Governor Murphy renewed this Public Health Emergency every 30 days thereafter until June of 2021; and

WHEREAS, on June 4, 2021, Governor Murphy signed Legislation and an Executive Order ending the Public Health Emergency; and

WHEREAS, at that time, the New Jersey Legislature granted Governor Murphy the authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022; and

WHEREAS, the Legislature allowed Governor Murphy to request an extension of these powers for up to 90 days after January 11, 2022; and

WHEREAS, Governor Murphy made a request to the New Jersey Legislature for the 90-day extension of these emergency powers; and

WHEREAS, the New Jersey Legislature refused to extend these emergency powers; and

WHEREAS, Governor Murphy ignored the Legislature's refusal to extend his remaining emergency powers and announced on January 12, 2022, that he was reinstating a statewide Public Health Emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances afforded to New Jersey residents by virtue of the New Jersey Constitution; and

WHEREAS, since January 12, 2022, the New Jersey Legislature has failed to overrule or contest this declaration of emergency powers, despite New Jersey's high vaccination rate; and

WHEREAS, after almost two years since Governor Murphy's Public Health Emergency Declaration, local governments, businesses and the public at large have adjusted to the pandemic and have learned how to take appropriate actions to protect themselves and constituents against COVID-19; and

WHEREAS, Governor Murphy promised on January 12, 2022, in declaring a new State of Emergency, that he would not impose any new universal mandates, and

WHEREAS, just days later, Governor Murphy imposed a universal vaccine mandate for health care workers and correctional officers, in contradiction to his promise; and

WHEREAS, Governor Murphy imposed no mandate on inmates in the same facilities; and

WHEREAS, Governor Murphy also imposed the requirement for discipline of employees up to and including termination for failing to comply with his mandates, regardless of personal preference; and

WHEREAS, health decisions are best managed locally, and county and local governments should have the ability to select options which are best suited for the local conditions faced by each jurisdiction, after considering all of the relevant factors; and

WHEREAS, the residents of Monmouth County deserve a system of checks and balances as guaranteed by both the United States and New Jersey Constitutions; and

WHEREAS, to date, Governor Murphy has issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, the Board of County Commissioners of the County of Monmouth agrees that it is well past time to return to the regular order of government in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Monmouth be and hereby opposes Governor Murphy's declaration of a new Public Health Emergency and his recent imposition of a vaccine mandate for health care workers and correctional officers.

BE IT FURTHER RESOLVED that the Board strongly urges the Legislature to act forthwith to repeal the Public Health Emergency and to restore the constitutional balance of power guaranteed by the United States and New Jersey Constitution,

so the County can protect employees and continue to serve the residents of Monmouth County.

BE IT FURTHER RESOLVED that the Clerk of the Board shall forward a certified true copy of this resolution to the Governor of the State of New Jersey; Lieutenant Governor of the State of New Jersey; the New Jersey State Legislature; the members of the Monmouth County Legislative Delegation; New Jersey League of Municipalities; all County Boards of County Commissioners and the Mayor and Council of all towns within the County of Monmouth.