

**RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS
COUNTY OF ESSEX**

R-2018

RESOLUTION NO. 00917 AUTHORITY FOR RESOLUTION N.J.S.A. 40:41A-38(q)

PROPOSED BY: FREEHOLDER BAUER AUTHORITY FOR ACTION C.C.E 2-29 (B)

**RESOLUTION IN SUPPORT OF "GREEN AMENDMENT" TO THE
NEW JERSEY STATE CONSTITUTION**

WHEREAS, the right of New Jerseyans to clean water, air and a healthy environment is not given any protection in the State of New Jersey's Constitution; and

WHEREAS, while New Jersey used to be known as an environmental leader in terms of passing legislation to require remediation of contaminated sites, generation and use of alternative forms of energy, recycling of certain materials at a high level, and numerous other environmental topics, there are still thousands of sites where the soil needs to be cleaned up and which contaminants continue to migrate down into and pollute groundwater, brownfields that need to be put to productive use, public drinking water supplies and school water systems that need to be rid of lead, solvents and chemicals, and places where the air is still unhealthy especially when ozone peaks in the summer heat, with the American Lung Association noting that eleven of New Jersey's 21 counties received an F rating from the group when comparing smog levels to health-based air quality standards; and

WHEREAS, it is not unusual for New Jerseyans to wake up to news from the media with headlines and stories describing the threat to our public health, including, recently:

- Toxic Secrets: NJ community faces high rates of cancer, rare illnesses, February 14, 2018, NorthJersey.com
- 1 in 5 in New Jersey Drink Water Contaminated with PFOA, USA Today, July 26, 2017
- Study Finds About 100 Super Polluters Are Fouling the Air We Breathe, My Central Jersey, October 11, 2016
- Dirty Little Secrets: New Jersey's Poorest Live Surrounded by Contamination, WNYC, December, 9, 2015
- Tom's River Cancer Cluster Still a Mystery Despite 20 Years of Studies, NJ.com, February 6, 2015
- NOAA: New Jersey Will See an Increase in Nuisance Flooding in 2017, WHYY, June 15, 2017; and

WHEREAS, the biggest threat to New Jersey's environment is climate change, which impacts the Jersey shore, and may result in eventual loss of our barrier islands, loss of habitat and wetlands, detrimental changes to coastal living including erosion and accretion of land, which will impair titles and property rights, impairment of fishing, boating, seafood production and tourism, impairment of our shore-based tourism economy, and property damage, death and

injuries from more severe storms and flooding influenced by rising sea level and warmer waters, and by more frequent and heavier rainfall; and

WHEREAS, a clean and healthy environment is directly related to one's health, and longevity; and

WHEREAS, according to a recent poll of 811 adults across New Jersey by Fairleigh Dickinson University's "PublicMind" poll, the majority (71%) of adults asked "strongly agree" that the right to clean air and clean water should be protected by the State Constitution in a manner similar to the rights of free speech, freedom of religion and other protections, and an additional 12 % of adults polled "agree" with that statement, with only 14% disagreeing with the statement (6% disagree, 8% strongly disagree); and

WHEREAS, in that poll, the "strongly agree" sentiment runs across all demographics, with women (75%) agreeing somewhat more strongly than men (66%), people of color agreeing (78%) more than white people (67%), and residents of northern New Jersey counties agreeing more strongly (74%) than residents of central New Jersey (73%) and southern New Jersey (64%); and

WHEREAS, in recognition of these facts, a bi-partisan bill has recently been introduced in the New Jersey Senate co-sponsored by Senators Greenstein-D, and Bateman-R (SCR 134), which states that:

"1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

"PROPOSED AMENDMENT

"Amend Article I by adding a new paragraph 24 to read as follows:

"24. (a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State's public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

"2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at

least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

"3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

"There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (a) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (a) in the square opposite the word "No."

b. In every municipality the following question:

CONSTITUTIONAL AMENDMENT TO ENSURE THE PEOPLE'S ENVIRONMENTAL RIGHTS

"Do you approve amending the Constitution to grant every person the right to a clean and healthy environment? The amendment would also require the State to protect public natural resources."; and

WHEREAS, the interpretative statement to the proposed Constitutional amendment states that:

"This amendment provides that every person has a constitutional right to a clean environment. This includes the right to clean air, pure water, and healthy habitats. The amendment would require the State to preserve public natural resources. The State would also be required to prevent others from destroying or damaging public natural resources."; and

WHEREAS, the New Jersey Senate Committee on the Environment recently passed SCR 134 by a bi-partisan vote of 4-0-1; and

WHEREAS, if the Resolution (SCR 134) is passed by the Senate and then the Assembly, and if it is agreed to by the voters in a public question ballot referendum, this "green amendment" will be added to the Bill of Rights of New Jersey State Constitution; and

WHEREAS, the Essex County Board of Chosen Freeholders recognizes that clean water, air and a healthy environment will help to protect the health and enhance the quality of lives of residents of Essex County, our rivers and beautiful and legendary parks system, and help attract more business and more opportunity to the County and its residents; now, therefore, be it

RESOLVED, that the Essex County Board of Chosen Freeholders hereby supports SCR 134 and its counterpart in the Assembly ACR 85; be it further

RESOLVED, that the Essex County Board of Chosen Freeholders encourages its County-based legislative delegation to support ACR 85 and SCR 134 for full passage by the Assembly and Senate so that the voters of our great State and great County may choose whether to add the right to a clean and healthy environment to the Bill of Rights of the New Jersey State Constitution; be it further

RESOLVED, that a copy of this resolution be forwarded to the Essex County's State Legislative Delegation.

Approved as to form and legality

Michael J. Parlamenti
Freeholder Counsel

RECORD OF VOTE (X=Vote N.V.=Abstention ABS=Absent)

Moved by Freeholder
Second by Freeholder

Bauer
Richardson

Freeholder	Yes	No	N.V.	ABS	Freeholder	Yes	No.	N.V.	ABS
BAUER	✓				POMARES	✓			
JOHNSON	✓				RICHARDSON, V.P.	✓			
JONES	✓				SEBOLD				✓
LUCIANO				✓					
MERCADO	✓				GILL, PRES.	✓			

It is hereby certified that the foregoing Resolution was (✓) adopted () defeated () tabled by roll call vote at a regular meeting of the Board of Chosen Freeholders of the County of Essex, New Jersey held on Nov. 7, 2018

Is Publication Required () Yes () No

Date Published _____

Brendan W. Gill

Brendan W. Gill, President