

RESOLUTION #2011-226

**A RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE
OF NEW JERSEY, OPPOSING THE ACT OF JUDICIAL
LEGISLATING BY THE NEW JERSEY SUPREME COURT AND FURTHER
URGING THE GOVERNOR TO APPOINT FUTURE JUSTICES THAT DO
NOT BELIEVE IN AN ACTIVIST JUDICIARY**

WHEREAS, the Constitution of the State of New Jersey provides for three separate branches of government, those namely being; the Executive Branch, the Legislative Branch, and the Judicial Branch; and

WHEREAS, fiscal and economic policy affecting the Citizens of the State of New Jersey are within the province of the Legislative and Executive Branches of this Government, the members of which have offices subject to the electoral process; and

WHEREAS, on or about May 24, 2011, the New Jersey Supreme Court issued a ruling ordering and directing the State of New Jersey to increase State funding to thirty-one (31) school districts in the amount of \$500,000,000.00, although such money was not provided in the budget proposed by the Governor; and

WHEREAS, this ruling is but one of many issuing from the New Jersey Supreme Court that demonstrate the Court's arrogation of power and entreat on the balance of power expressed in our State's Constitution; and

WHEREAS, the New Jersey Supreme Court is comprised of members whose offices are conferred through appointment by the Governor with the advice and consent of the State Senate and not subject to electoral control by the voters; and

WHEREAS, it is the Borough Council's belief and position that the New Jersey Supreme Court has exceeded its constitutionally prescribed role by injecting itself into matters of fiscal and economical policy that is within the province of the Legislative and Executive

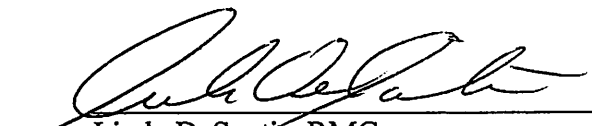
Branches as is best exemplified by the school funding ruling referenced above and such action is grossly improper.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Mount Arlington, in the County of Morris, and State of New Jersey that the Mayor and Borough Council hereby disapprove of the New Jersey Supreme's Court's entry into the provinces of the State Legislature and Governor in directing and establishing fiscal and economic policy which is not subject to the will of the residents of the State and further objects to the New Jersey Supreme Court creating substantive laws and policy that are not subject to political debate and procedures established by the Constitution for the passage of such laws; and

BE IT FURTHER RESOLVED, that the Borough Council further implores the Governor to consider candidates for these appointments who are philosophically opposed to an "activist" judiciary and believe in the constitutional limitations of the Judicial Branch; and

BE IT FURTHER RESOLVED, that The Borough Clerk is hereby authorized and directed to forward certified copies of this Resolution to Governor Christopher Christie, President of the Senate, Stephen M. Sweeney, Speaker of the Assembly, Sheila Y. Oliver, Members of the Morris County Delegation, the League of Municipalities, and all Morris County Municipalities, in each case urging them to support this Resolution.

I hereby certify this to be an accurate and true resolution as approved by the Mayor and Borough Council at a Meeting held on September 20, 2011.


Linda DeSantis, RMC
Borough Clerk