

**TOWNSHIP OF HAINESPORT
ORDINANCE NO. 2018-10**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF HAINESPORT
TO ADDRESS POLITICAL CONTRIBUTIONS FROM MUNICIPAL VENDORS**

WHEREAS, the Township Committee of the Township of Hainesport desires to ensure that the Township's elected and appointed officials maintain the highest ethical standards; and

WHEREAS, amending the municipal code to address political contributions will further public confidence in the integrity of the individuals holding public offices and positions; and

WHEREAS, N.J.S.A. 40A:11-51 authorizes municipalities to establish measures limiting the awarding of public contracts to business entities that have made certain political contributions; and

WHEREAS, The New Jersey Campaign Contribution Contributions and Expenditures Reporting Act establishes specific limitations on such political contributions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Hainesport, County of Burlington and State of New Jersey that the Code of the Township of Hainesport is hereby amend to add the following chapter:

ARTICLE I. NEW CHAPTER

The following new chapter is hereby added to the Code of the Township of Hainesport:

CHAPTER 181 "ETHICS"

ARTICLE I. Definitions

1. The term "contribution " means: a contribution reportable by the recipient under the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq.,
2. The term "business entity" means: any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized

under the laws of this State or any other state or foreign jurisdiction. The definition of a business entity includes: (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing therewith, are also included within this definition.

3. The term "Township" means: the municipal government of the Township of Hainesport, including any department, authority, or instrumentality of the municipal government.

ARTICLE II. Political Contributions

1. The Township shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the Township, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq., to any municipal committee of a political party in that municipality if a member of that political party is serving in an elected public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elected public office of that municipality when the contract is awarded.
2. Any business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a municipality, or any agency or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not make a contribution which would be reportable by the recipient under the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1, et seq., to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded, during the term of that contract.
3. No such committee shall accept such a contribution from a business entity during the term of its contract with the municipality.
4. Not later than 10 days prior to entering into any contract having an anticipated value in excess of \$17,500, except for a contract that is required by law to be publicly advertised for bids, the Township shall require any business entity bidding thereon or negotiating therefor, to submit along with its bid or price quote, a list of political contributions as set forth in this subsection that are reportable by the recipient pursuant to the provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act N.J.S.A. 19:44A-1 et seq., and that were made by the business entity during the preceding 12

month period, along with the date and amount of each contribution and the name of the recipient of each contribution.

5. A business entity contracting with the Township shall disclose contributions to:
 - a. any State, county, or municipal committee of a political party;
 - b. any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elected office in the Township;
 - c. any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elected office of Burlington County;
 - d. any legislative leadership committee; or any candidate committee of a candidate for, or holder of, an elected office of another public entity within Burlington County, or of a legislative district in which the Township is located.

ARTICLE III. Emergency exceptions

1. **Emergency Exceptions.** Notwithstanding the foregoing, the Township Committee recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Township Committee with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

ARTICLE IV. Repealer, Severability, and Effective Date

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

NOTICE OF PUBLIC HEARING

TOWNSHIP OF HAINESPORT ORDINANCE NO. 2018-10

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF HAINESPORT TO ADDRESS POLITICAL CONTRIBUTIONS FROM MUNICIPAL VENDORS

The ordinance published herewith was introduced and passed upon first reading at a special meeting of the Township Committee of the Township of Hainesport held on July 10, 2018. It will be further considered for final passage after a public hearing at the regular meeting to be held on August 14, 2018 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. Copies of said Ordinance may be obtained from the Township Clerk.

Dated: July 10, 2018



Paula L. Kosko, RMC
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Costa			X			
Gilmore		X	X			
Schneider	X		X			
Fitzpatrick				X		
Masciocchi			X			

NOTICE OF FINAL PASSAGE

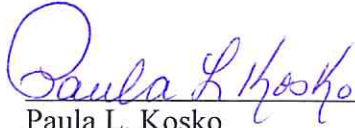
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Notice is hereby given that Ordinance 2018-10 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on August 14, 2018. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: 08-14-2018


Paula L. Kosko
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: 08-20-2018


Frank Masciocchi
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Costa			X			
Gilmore		X	X			
Schneider	X		X			
Fitzpatrick				X		
Masciocchi			X			

Introduced: July 10, 2018
First Publication: July 17, 2018
Adoption: August 14, 2018
Final Publication: August 17, 2018