

ORDINANCE NO. 2013-27

ORDINANCE AMENDING
CHAPTER II, "ADMINISTRATION",
SUBSECTION 2-65, "PAYMENT OF CLAIMS BY BOROUGH" AND
SUBSECTION 2-76, "CONFLICTS OF INTEREST"
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF RED BANK

Mr. Murphy offered the following ordinance and moved its adoption on final reading:

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter II "Administration", is amended and supplemented as follows:

SECTION ONE: Chapter II, Subsection 2-65, "Payment of Claims by Borough", is amended and supplemented as follows: [Strikethroughs denote deletions, underlined text denotes additions]

2-65 PAYMENT OF CLAIMS BY BOROUGH.

2-65.1 Presentation of Detailed Bill. A person claiming payment from the Borough shall present a detailed bill of items or demand to the Borough Clerk specifying particularly how the bill or demand is made up, duly certified by the party claiming payment that it is correct.

2-65.2 Definitions.

For the purposes of this section:

Agreement to Purchase Goods or Services shall mean any agreement for the rendering of professional services to or on behalf of the Borough, as defined herein, and any agreement whether by contract or purchase order, whether above or below any public bid threshold that may be established from time to time by the State of New Jersey, for the sale of any goods or non-professional services to the Borough, as defined herein, and without regard to whether the said agreement or contract is awarded pursuant to and in accordance with the open public bidding requirements of NJSA, 40A:11-5, et seq.;

Borough shall mean the Borough of Red Bank as a municipal entity, and any elected official, officer, employee, agent, department, board or commission of the Borough of Red Bank;

Candidate Committee means a committee established pursuant to subsection a. of section 9 of P.L. 1973, c. 83 (C. 19:44A-9) for the purpose of receiving contributions and making expenditures.

Campaign Contribution "Red Bank Campaign Contribution" and "Red Bank Political Committee Contribution," "County Campaign Contribution" and/or "Pass-Through Campaign Contribution" as defined herein.

Certification of Eligibility of Participating Officials shall mean a certification in lieu of affidavit pursuant to which the Chief Financial Officer shall identify with respect to each Agreement to Purchase Goods or Services entered into by the Borough, and prior to any payment made pursuant thereto, each and every Ineligible Official with respect thereto, and shall with respect to each such Ineligible Official specify the reason(s) the Ineligible Official is precluded from any participation in connection with the Agreement to Purchase Goods or Services;

Contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough, or to any municipal or party committee or political club or organization within the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s);

County Campaign Contribution Any contribution, as defined herein, to any county political organization or county campaign committee or fund within the County of Monmouth.

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing;

Ineligible Vendor shall mean any Vendor who has during the preceding three-year period made campaign contributions in excess of the limits set forth in Section 2-76.5(A) of the Revised General Ordinances of the Borough of Red Bank;

Ineligible Vendor List shall mean a list of Ineligible Vendors maintained by the Chief Financial Officer of the Borough in accordance with the provisions of this Chapter;

Joint Candidates Committee means a committee established pursuant to subsection a. of section 9 of P.L. 1973, c. 83 (C. 19:44A-9) by at least two candidates for the same elective public offices in the Borough, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this ordinance, the offices of mayor and member of the Borough Council shall be deemed to be the same elective public offices in the Borough.

Pass-Through Campaign Contributions - any contribution, as defined herein, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough, or to any Red Bank Political Committee that is received from the election fund or other campaign account of any elected official or candidate for any office other than Mayor or council of the Borough, or from any local, county or state party committee or organization, or any political action committee or fund of any kind, whether within or without Red Bank or Monmouth County;

Red Bank Campaign Contribution--Any contribution, as defined herein, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough.

Red Bank Political Committee---Any municipal committee, or partisan political club, or organization within the Borough.

Red Bank Political Committee Contribution--Any Contribution, as defined herein, to any Red Bank Political Committee, as defined herein.

Vendor shall mean any individual person or Entity who either negotiates, bids or otherwise seeks to enter into an Agreement to Purchase Goods or Services as defined herein. In the case of any Vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any Entity by whom any of them are employed or in which any of them have an ownership interest in excess of Five Percent (5%). In the case of any Vendor who is an Entity, the term shall also include each and every principal of the said Entity who has an ownership interest in excess of Five Percent (5%) in the Entity, or any parent or subsidiary of the Entity, and their spouses, if any, and any child living at home;

Vendor's Certification of Eligibility --a certification in lieu of affidavit pursuant to which each Vendor shall list each and every Red Bank Campaign Contribution, Red Bank Political Committee Contribution and each County Campaign Contribution the Vendor has made during the preceding three years;

Verification of Vendor Eligibility by the Chief Financial Officer shall mean a certification in lieu of affidavit pursuant to which the Chief Financial Officer shall confirm with respect to each Agreement to Purchase Goods or Services entered into by the Borough, and prior to any payment made pursuant thereto, and that he or she has obtained and reviewed the Vendor's Certification of Eligibility, and the Ineligible Vendor List, and has determined that the Vendor is not in violation of the campaign contribution restrictions set forth in Section 2-76.5(A) herein, and is therefor eligible to enter into, and be paid pursuant to, an Agreement to Purchase Goods or Services;

2-65.3 2 Procedure for Presentation of Claims.

a. The procedure for presentation of claims against the Borough of Red Bank shall be prepared by the Chief Financial Officer and Purchasing Agent to comply with the regulations promulgated by the New Jersey Department of Community Affairs, Division of Local Government Services, and the "Pay to Play Restrictions" set forth in Section 2-65.12 through 2-65.19;

b. Each claim presented to the Borough Clerk for payment shall be certified by a member of the Borough Council or other officer or employee of the Borough designated by the Borough Council by Resolution as a certifying officer or employee who shall have knowledge of the fact that the goods have been received by or the services rendered to the Borough. The signature of the one so certifying shall appear on every claim and it shall be the duty of the Borough Clerk to determine whether such signature appears thereon.

2-65.4 3 Claims Presented to Chairman of Appropriate Committees. Claims shall then be presented to the Chairman of the Committee responsible for the placing of the order and to the Chairman of the Finance Committee, who, if satisfied the claims are proper, shall approve the same. In the event the Chairman of the Finance Committee is unavailable for the presentation of the claim prior to the next Borough meeting, the claim shall be presented to any other member of the Finance Committee. After the claims have thus been presented, the same shall either be approved or disapproved with reasons for disapproval and returned to the Borough Clerk who shall then present these claims to the Borough Council for formal approval or disapproval at a regular meeting or at a regular adjourned meeting.

2-65.5-4 Mayor Authorized to Approve Claims Prior to Borough Council Approval.

The Mayor may approve claims prior to the time they are presented to the Borough Council for approval. Where the Mayor does not approve claims prior to the time they are presented to the Borough Council for approval, it shall be his duty to incorporate in the official minutes, by signing the approving Resolution or by approving the schedule of claims approved by the Borough Council, that he has examined the same and has officially approved the same for payment. Where the President of Council is acting in the place and stead of the Mayor pursuant to law, then and in that event the President of Council may approve claims as Acting Mayor in the place and stead of the Mayor.

2-65.6-5 Approval by the Borough Council; Disproved Claims. Claims shall be considered by the Borough Council which shall approve the same, except that the Borough Council may reject any claim presented to it stating the reason for such rejection. Any disapproved claim shall be referred back to the Borough Clerk with such instructions as the Borough Council may give at the time of disapproval.

2-65.76 Duty of the Borough Clerk to Record Claims. It shall be the duty of the Borough Clerk to record all claims in the official minutes indicating that the Borough Council has by formal action approved the same with appropriate record as to any claims disapproved or rejected.

2-65.87 Approval for Payment Indicated on Claims by Borough Clerk. It shall be the duty of the Borough Clerk or such other officer designated by Resolution of the Borough Council, to indicate on the claims that they have been approved for payment, with the date of approval thereof noted on the claim.

2-65.98 Preparation and Distribution of Checks for Payment. After the Clerk has certified that the claims have been approved, he shall turn the same over to the Treasurer or other chief financial officer, who shall forthwith prepare the necessary checks for the payment thereof, which checks shall be signed by the Mayor and the Borough Clerk and thereafter countersigned by the Treasurer or other chief financial officer. After preparing checks for the payment of claims, he shall record them in proper books of account and thereafter mail or otherwise distribute the checks to the claimants.

2-65.109 Payrolls. In the case of payrolls, the appropriate department heads or such officer or employee as may be designated by Resolution of the Borough Council, shall prepare the necessary payrolls for all employees, which payrolls shall be duly certified by the person authorized to certify that the services have been rendered and the amount specified is in fact due and owing to the employee or employees. The payroll shall then be approved by the department head responsible therefor and presented to the Borough Council for approval, and, after approval, shall be paid in due course.

2-65.1110 Traveling Expenses of Local Officials. Whenever claims are presented for reimbursement for actual and necessary traveling expenses, incurred by local officials where authorized to travel by the Borough, such claims shall be itemized and supported by receipts where available and presented as are other claims in order to obtain reimbursement for such expenses.

Pay to Play

2.65.11 Contributions to Candidates, Limitations.

The Borough hereby adopts and incorporates by reference the comprehensive political campaign reform legislation adopted by the State known as "CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING ACT" (the "Act") codified at N.J.S. A. 19:44A-1 et seq.
Specifically, and consistent with the Act, the limitations on Red Bank Campaign Contributions are as follows:

a. No individual, other than an individual who is a candidate, no corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, no labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, or any group shall: (1) pay or make any contribution of money or other thing of value to a candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer, candidate committee, which in the aggregate exceeds \$2,600 per election, which limitation shall also include any contribution to a Red Bank Political Committee per election cycle, or (2) pay or make any contribution of money or other thing of value to candidates who have established only a joint candidates committee, their campaign treasurer, deputy campaign treasurer, or joint candidates committee, which in the aggregate exceeds \$2,600 per election per candidate, which limitation shall also include any contribution to a Red Bank Political Committee per election cycle, or (3) pay or make any contribution of money or other thing of value to a candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy

campaign treasurers, or candidate committee or joint candidates committee, which in the aggregate exceeds \$2,600 per election, which limitation shall also include contributions to a Red Bank Political Committee, per election cycle. No candidate who has established only a candidate committee, his campaign treasurer, deputy campaign treasurer or candidate committee shall knowingly accept from an individual, other than an individual who is a candidate, a corporation of any kind organized and incorporated under the laws of this State or any other state or any country other than the United States, a labor organization of any kind which exists or is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning the grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment, or any group any contribution of money or other thing of value which in the aggregate exceeds \$2,600 per election, and no candidates who have established only a joint candidates committee, or their campaign treasurer, deputy campaign treasurer, or joint candidates committee, shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds \$2,600 per election per candidate, and no candidate who has established both a candidate committee and a joint candidates committee, the campaign treasurers, deputy campaign treasurers, or candidate committee or joint candidates committee shall knowingly accept from any such source any contribution of money or other thing of value which in the aggregate exceeds \$2,600 per election.

2-65.12 Prohibition on Awarding Contracts for the Sale of Goods or Services to Certain Campaign Contributors. Any other provision of law to the contrary notwithstanding, the Borough shall not enter into any Agreement to Purchase Goods or Services, or permit goods or services to be provided in anticipation of such an Agreement, or make any payment pursuant to any such Agreement with any Vendor that has solicited or made any Campaign Contribution in excess of the limits specified in Section 2-76.5(A) of the Revised General Ordinances of the Borough of Red Bank, during any of the three calendar years immediately preceding the date of the contract or agreement, or during the term of any such Agreement to Purchase Goods or Services;

2-65.13 Limits on Political Campaign Contributions by Vendors to the Borough. No Vendor shall knowingly solicit on behalf of, or make any Campaign Contribution in excess of the limits specified in Section 2-76.5(A) herein during the pendency of any such negotiations for, or during the term of, any Agreement to Purchase Goods or Services.

2-65.14 Vendors to Certify Their Compliance With The Borough's Restrictions on Campaign Contributions; Obligation is Continuing. Prior to issuing any purchase order or awarding to any Vendor an Agreement for the Sale of Goods and Services, or making any payment pursuant to the same, or granting any change order in connection therewith, the Borough's Chief Financial Officer shall require that the Vendor first have submitted a Vendor's Certification of Eligibility, in language to be approved by the Borough Attorney, in which the Vendor shall verify that it has not knowingly made any Campaign Contribution in excess of the limits set forth in Section 2-76.5(A) of the Revised General Ordinances of the Borough of Red Bank, and that it has not otherwise violated Section 2-65.13 hereof. This certification shall be in addition to any other certification that may be required by any other provision of law. The Chief Financial Officer shall keep the original of each such Certification of Vendor Eligibility on file. Notwithstanding anything contained herein to the contrary, the Vendor shall have a continuing duty to report immediately to the Borough's Chief Financial Officer any Campaign Contributions made in violation of this Section that occur during any time that an Agreement for the Sale of Goods or Services is in effect, or that occur during the pendency of any negotiations or bidding by the Vendor to enter in such an Agreement.

2-65.15 Vendor Who Refuses to Certify Its Eligibility or Knowingly Submits a False Certification of Eligibility Shall Be Declared to be an Ineligible Vendor. In addition to such other penalties as may provided by law, any Vendor who, after reasonable notice of the consequences thereof, refuses or otherwise fails to provide the certification required herein, or who knowingly files a false Vendor's Certification of Eligibility, shall be designated by the Chief Financial Officer as an Ineligible Vendor, and shall be promptly included on the Ineligible Vendor List maintained pursuant to Section 2-65.18 hereof and shall thereafter be prohibited from entering into any Agreement for the Sale of Goods and Services with the Borough, and from receiving any payment pursuant to such an agreement, until such time as the Mayor and Council adopt a resolution determining that the Vendor is eligible or otherwise should be paid for services rendered or goods sold to the Borough. Any Vendor may appeal to the Mayor & Council from a determination by the Chief Financial Officer that it is an Ineligible Vendor.

2-65.16 Chief Financial Officer to Verify Eligibility of Vendors. Neither the Borough of Red Bank, nor any official thereof, shall enter into any Agreement for the Sale of Goods or Services, or approve or execute any change order with respect thereto, or make or authorize any payment pursuant thereto, unless and until the Chief Financial Officer has executed a Verification of Vendor Eligibility with respect to that Vendor, which Verification of Vendor Eligibility shall be appended to or otherwise incorporated into the said Agreement for the Sale of Goods or Services, and each purchase order and voucher relating thereto.

2-65.17. All Resolutions Awarding Agreements for the Sale of Goods or Services, Awarding of Bids, Approving Change Orders, or Authorizing Payments of Bills Shall Contain a Verification of Vendor Eligibility; Borough Clerk to Publicly Announce Same. No resolution authorizing the execution of an Agreement for the Sale of Goods or Services, or awarding of any bid or approving any change order relating thereto, or authorizing payment of any bill pursuant thereto, shall be introduced or adopted by the Mayor and Council unless it contains a Verification of Vendor Eligibility executed by the Chief Financial Officer, or his or her designee. The Borough Clerk shall, prior to the introduction of any such resolution, first read a statement for the record advising the Mayor and Council and the public that Chief Financial Officer of the Borough has certified that the Vendor or Vendors that are the subject of the resolution are Eligible Vendors within the meaning of this Section.

2-65.18. Chief Financial Officer to Maintain a List of Ineligible Vendors. The Borough's Chief Financial Officer shall prepare and at all times maintain a list of Vendors who are, by virtue of the provisions of this Section, ineligible to enter into an Agreement for the Sale of Goods or Services with the Borough. The Chief Financial Officer shall prepare this list based upon information obtained from the campaign reports required to be filed with the Election Law Enforcement Commission by or on behalf of candidates for the office of Mayor and Council, the supplemental campaign certifications to be submitted by the Mayor and members of the Council, pursuant to Section 2-76.7 and information provided by Vendors as required herein. The Chief Financial Officer shall update the List of Ineligible Vendors within five (5) business days of the receipt of any certifications or information as required in this Section, or of any reports or supplemental reports of Red Bank Campaign Contributions or Pass-Through Contributions required to be filed pursuant to Section 2-76.7.

2-65.19 Contributions Made Prior to the Effective Date. Notwithstanding any term contained herein to the contrary, no Vendor shall be required to report Campaign Contributions made prior to January 1, 2005, and no such Campaign Contributions shall be considered by the Chief Financial Officer in determining a Vendor's eligibility pursuant to this Section.

SECTION TWO: Chapter II, "Administration", Section 2-76, "Conflicts of Interest of the Revised General Ordinances of the Borough of Red Bank, is hereby deleted in is hereby deleted in its entirety:

SECTION 2-76 "Conflicts of Interest"

2-76.1 Restrictions on Eligibility of Borough Officials to Participate in, or Vote on, Matters Involving Certain Vendors, Developers, Alcoholic Beverage Licensees or Mercantile License Holders; No Borough Official, including without limitation, the Mayor or any member of the Council, shall be eligible to vote on or participate in any matter with respect to which he or she has a Conflict of Interest as provided herein.

2-76.2 DEFINITIONS.

For the purposes of this section:

ALCOHOLIC BEVERAGE LICENSEE Any individual or entity who owns or is negotiating for the purchase of, or has an application pending for a license or permit for the sale of alcoholic beverages within the Borough of Red Bank, whether or not the license is active, and any person or entity that is the owner of any property on which the license is currently active, or any property to which an application is pending with the Borough for the place-to-place transfer of the license. In the case of any alcoholic beverage licensee who is an individual, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them has an ownership interest in excess of 5%. In the case of any alcoholic beverage licensee that is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of 5% in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

BOROUGH In addition to the Borough of Red Bank as a municipal entity, any elected official, officer, employee, agent, department, board or commission of the Borough of Red Bank.

BOROUGH LAND USE AGENCY The Borough of Red Bank Planning Board and Zoning Board of Adjustment. [Added 8-14-2006 by Ord. No. 2006-38]

CAMPAIN CONTRIBUTION "Red Bank Campaign Contribution," "Red Bank Political Committee Contribution," "County Campaign Contribution," "Red Bank Major Developer Contribution", and/or "Pass-Through Campaign Contribution" as defined herein, but shall not include other political contributions. [Amended 8-14-2006 by Ord. No. 2006-38]

CONFLICT DISCLOSURE STATEMENT A statement on a form provided by the Borough setting forth any business, financial, or family relationships between the property owner, Developer, any associate of the Developer and/or any Development Professional and any current member of the Borough Land Use Agency before whom the application for development is pending or any professional of that Borough Land Use Agency. [Added 8-

14-2006 by Ord. No. 2006-38]

CONTRIBUTION Any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization). The term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s). [Added 8-14-2006 by Ord. No. 2006-38]

COUNTY CAMPAIGN CONTRIBUTION Any contribution, as defined herein, to any county political organization or county campaign committee or fund within the County of Monmouth. [Amended 8-14-2006 by Ord. No. 2006-38; 9-11-2002 by Ord. No. 2006-45]

DEVELOPER Any major developer or minor developer. [Amended 8-14-2006 by Ord. No. 2006-38]

DEVELOPER, MAJOR [Added 8-14-2006 by Ord. No. 2006-38; amended 9-11-2006 by Ord. No. 2006-45]

a. Any individual or Entity who makes any application to the Borough's Planning Board for:

- (1) Any subdivision of a property or properties into more than two lots, or
- (2) For major site plan approval; or
- (3) Any application to the Borough's Zoning Board of Adjustment for any use variance approval; or

b. The term "Developer, Major" shall also include anyone

- (1) Who owns or is the contract purchaser of any property that is the subject of any such application; or
- (2) Who engages directly or indirectly in negotiations with the Borough relating to a request for a change in zoning for a particular property, or
- (3) Who owns or is the contract purchaser of, any property that is the subject of, or would directly be affected by a proposed change in zoning, or of the Master Plan, and

c. In the case of a Major Developer who is an individual, the term "Developer, Major" shall also include:

- (1) His or her spouse, and
- (2) Any child living at home, and
- (3) Any Entities of which any of them are principals holding a 10% or greater interest; and

d. In the case of a Major Developer that is an entity, the term "Developer, Major" shall also include:

- (1) Each and every principal of the said entity who has an ownership interest in excess of 10% in the entity, or in any parent or subsidiary of the entity, and
- (2) Their spouses, if any, and
- (3) Any child living at home.

DEVELOPER, MINOR [Added 8-14-2006 by Ord. No. 2006-38; amended 9-11-2006 by Ord. No. 2006-45]

a. Any individual, or entity, who is not a Major Developer, as defined herein, but who makes any application to the Borough's Planning Board, or Zoning Board of Adjustment, for:

- (1) Any bulk variance relief; or
- (2) For a subdivision of a property into not more than two lots; or
- (3) For conditional use or minor site plan approval;

b. The term "Developer, Minor" shall also include anyone

- (1) Who owns, or is the contract purchaser, of any property that is the subject of any such application, described in this definition; and
- (2) In the case of any Minor Developer who is an Individual, the term "Developer, Minor" shall also include:
 - (a) His or her spouse; and

- (b) Any child living at home; and
- (c) Any entities of which any of them are principals holding a 10% or greater interest; and

(3) In the case of a Minor Developer that is an Entity, the term "Developer, Minor" shall also include:

- (a) Each and every principal of the said entity who has an ownership interest in excess of 10% in the entity, or in any parent or subsidiary of the entity; and
- (b) Their spouses, if any; and
- (c) Any child living at home.

DEVELOPER'S AGREEMENT Any agreement entered into between a developer and the Borough relating to an application or plan to develop or redevelop property within the Borough of Red Bank.

DEVELOPMENT MATTER Any application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, or any application or proposal to change the Borough's zoning regulations or Master Plan. **[Amended 8-14-2006 by Ord. No. 2006-38]**

A. With respect to a Major Developer, the term "relating to a Development Matter" shall mean that the Major Developer is the applicant, owner or contract purchaser of property that is the subject of an application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, or of any application or proposal to change the Borough's zoning regulations or Master Plan.

B. With respect to a Minor Developer, the term "relating to a Development Matter" shall mean that the Minor Developer is the applicant, owner or contract purchaser of property that is the subject of an application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough.

C. With respect to a Development Professional, the term "relating to a Development Matter" shall mean that the Development Professional has rendered or is rendering professional services for a Minor or Major Developer in connection with that Development Matter.

DEVELOPMENT PROFESSIONAL **[Amended 8-14-2006 by Ord. No. 2006-38]**

A. Any licensed professional, including but not limited to attorneys, architects, engineers, surveyors and planners, or any entity that provides such professional services, who is representing a Developer, or who has performed professional services for a Developer relating to a Development Matter; and

B. In the case of a Development Professional who is an individual, the term shall also include:

- (1) His or her spouse and
- (2) Any child living at home, and
- (3) Any entities of which any of them are principals holding a 5% or greater interest; and

C. In the case of a Development Professional that is an entity, the term shall also include:

- (1) Each and every principal of the said entity who has an ownership interest in excess of 5% in the entity, or
- (2) In any parent or subsidiary of the entity, and
- (3) Their spouses, if any, and
- (4) Any child living at home.

ENTITY Any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

INELIGIBLE OFFICIAL Any elected official of the Borough of Red Bank who has a "conflict of interest" pursuant to Article III of this chapter.

PASS-THROUGH CAMPAIGN CONTRIBUTIONS Any contribution, as defined herein, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough, or to any Red Bank Political Committee that is received from the election fund, or other campaign account, of any elected official or candidate for any office other than Mayor or Council of the Borough, or from any local, county or state party committee or organization, or any political action committee or fund of any kind, whether within or without Red Bank or Monmouth County. **[Amended 8-14-2006 by Ord. No. 2006-**

~~38; 9-11-2006 by Ord. No. 2006-45]~~

POLITICAL CONTRIBUTION DISCLOSURE STATEMENT A list on a form provided by the Borough Clerk specifying the amount, date, and the recipient of any and all Red Bank Major Developer Political Contributions, as defined herein. ~~[Added 8-14-2006 by Ord. No. 2006-38]~~

RED BANK CAMPAIGN CONTRIBUTION Any contribution, as defined herein, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough. ~~[Amended 8-14-2006 by Ord. No. 2006-38; 9-11-2006 by Ord. No. 2006-45]~~

RED BANK MAJOR DEVELOPER CONTRIBUTION Any Red Bank Campaign Contribution, or Red Bank Political Committee Contribution made by a Major Developer during the preceding three years, and any other contribution made during the preceding three years by the Major Developer to any other election fund, campaign, political organization, or committee or, political action committee listed by the Borough Clerk on the Political Contribution Disclosure Statement form prepared in accordance with § 14-24C. ~~[Added 8-14-2006 by Ord. No. 2006-38]~~

RED BANK POLITICAL COMMITTEE Any municipal party committee or partisan political club or organization within the Borough. ~~[Added 8-14-2006 by Ord. No. 2006-38]~~

RED BANK POLITICAL COMMITTEE CONTRIBUTION Any contribution, as defined herein, to any Red Bank Political Committee, as defined herein. ~~[Added 8-14-2006 by Ord. No. 2006-38; amended 9-11-2006 by Ord. No. 2006-45]~~

REDEVELOPMENT PLAN Any plan, or amendment thereto, adopted by ordinance of the Mayor and Council pursuant to and in accordance with the Local Redevelopment and Housing Law, Chapter 79, P.L. 1992, and/or any successor or amendment thereto.

VENDOR Any individual person or entity who either negotiates, bids or otherwise seeks to enter into an Agreement to Purchase Goods or Services as defined herein. In the case of any vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of 5%. In the case of any vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of 5% in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

2-76.3 Ineligibility of Elected Officials to Participate in or Vote on Specific Matters Involving Certain Campaign Contributors

A. Any elected official who has received any Red Bank Campaign Contribution from any Developer in excess of the limits set forth in Section 2-76.5(B) hereof shall have a Conflict of Interest and shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to, any Development Matter relating to that Developer.

B. Any elected official who has received any Red Bank Campaign Contribution from any Development Professional in excess of the limits set forth in Section 2-76.5(B) hereof, shall have a Conflict of Interest and shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any Development Matter with respect to which the Development Professional has performed any professional service.

C. Any elected official who has received any Red Bank Campaign Contribution from any Alcoholic Beverage Control Licensee in excess of the limits set forth in Section 2-76.5(B) hereof, shall have a Conflict of Interest and shall be ineligible to participate in, be kept informed of, or cast any vote with respect to, any application by the Alcoholic Beverage Control Licensee for an alcoholic beverage control license or permit relating to the said Alcoholic Beverage Control Licensee, or with respect to any hearings relating to same, or with respect to any investigations relating to same, or with respect to any local or State enforcement proceedings seeking to impose fines, suspensions or revocations relating to the same;

2-76.4 General Ineligibility of any Elected Official Who Receives Excess County Campaign Contributions or Pass-Through Campaign Contributions to Participate or Vote on Certain Categories of Matters

A. Any elected official who has received during any of the three preceding calendar years, including during any of the years preceding his or her election, Pass-Through Campaign Contributions from any single source in excess of \$1,000, or who has during any of the said three preceding years received combined Pass-Through Campaign Contributions from all sources, in excess of Twenty Percent (20%) of the total amount of all Red Bank Campaign Contributions received by that elected official during that same calendar year, shall be deemed to have a Conflict of Interest and shall be ineligible to participate in, or cast a vote on any of the following categories of matters for the remainder of that calendar year and for a period of three additional calendar years following that calendar year:

- (1) the award of any Agreement for the Sale of Goods or Services to the Borough, and shall be further barred from voting on the grant of change orders with respect to publicly bid contracts or agreements;
- (2) any Development Matter, and any appointment to the Planning Board or Board of Adjustment of the Borough of Red Bank;
- (3) any matter relating to or involving any Alcoholic Beverage Licensee;

2-76.5 Red Bank and County Campaign Contribution Limits Affecting Vendor Eligibility and Conflicts of Interest.

(A) Campaign Contribution limits affecting the eligibility of Vendors, pursuant to Section 2-65.12 and Section 2-65.13, to enter into or be paid pursuant to Agreements for the Purchase of Goods or Services are as follows:

- 1. The maximum combined amount of Red Bank Campaign Contributions that may be made by a Vendor during any calendar year shall not exceed \$400, and this limit shall include all contributions made to each candidate for mayor and/or council from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account;
- 2. The maximum combined amount of Red Bank Political Committee Contributions that may be made by a Vendor during any calendar year shall not exceed \$500, and this limit shall include all contributions made to each candidate for mayor and/or council from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account;
- 3. The maximum amount of County Campaign Contributions that may be made by a Vendor shall not exceed \$2,500 during any calendar year to either party;

(B) Campaign Contribution limits affecting the eligibility of elected officials to participate in or vote on specific matters involving Development Matters or Alcoholic Beverage Licensees, are as follows:

- 1. Any candidate for the office of mayor or council who receives a Red Bank Campaign Contribution in excess of \$400 from any Developer or Development Professional during a single calendar year shall have a Conflict of Interest, and shall be ineligible to vote or participate in matters relating to the said Developer or Development Professional as provided in Section 2-76.3(A) or (B), respectively.
- 2. Any candidate for the office of mayor or council who receives a Red Bank Campaign Contribution in excess of \$400 from any Alcoholic Beverage Licensee during a single calendar year, shall have a Conflict of Interest, and shall be ineligible to vote or otherwise participate in matters involving the said Alcoholic Beverage Licensee as provided in Section 2-76.3(C);

The limits set forth in Section 2-76.5(B) shall apply jointly to all candidates for mayor and/or council for the same party or on the same ticket, unless the said candidates maintain entirely separate election fund accounts, and run entirely uncoordinated campaigns.

2-76.6 Contributions Made Prior to the Effective Date. Notwithstanding any term contained herein to the contrary, no Campaign Contributions made prior to January 1, 2005, shall be considered in calculating the campaign contribution limits set forth in Section 2-76.4 and 2-76.5 hereof.

2-76.7 Reporting Obligations of Candidates for Office of Mayor or Council

a. Each and every candidate for the Office of Mayor or Council within the Borough of Red Bank shall file with the Borough Clerk a true and correct copy of each and every campaign finance report they are required to file with the Election Law Enforcement Commission, and shall do so not later than the date that the said report is due to be filed with the New Jersey Election Law Enforcement Commission.

b. In connection with each campaign report submitted to the Borough Clerk pursuant to subparagraph (a) above, each candidate for the office of Mayor or Council shall attach a supplemental certification, on a form to be provided by the Borough Clerk, pursuant to which the candidate shall certify the following:

- (i) that he or she has personally inspected the records of contributions made to his or her campaign account or election fund;
- (ii) that the information contained on the attached report is, after due inquiry, accurate in all material respects;

(iii) identifying (1) each and every individual who either individually or in combination with his or her spouse, or any child living in the same household, or any corporation, professional corporation, limited liability company or partnership of which any of them are principals owning an interest of Five Percent (5%) or greater, from whom he or she has received a Red Bank Campaign Contribution cumulatively in excess of \$400 during that calendar year; and (2) each and every Pass-Through Campaign Contribution, regardless of amount, he or she has received from any political action committee, county or municipal committee or political club, or from any election fund relating to any public question or from any election fund of any candidate for an office other than the office of the Mayor or Council of the Borough of Red Bank;

2-76.8 Curing Violations; Return of Excess Contributions. Any Vendor, Developer, Development Professional and Alcoholic Beverage Licensee may cure a Campaign Contribution made in excess of the limits set forth in Section 2-76.4 or Section 2-76.5 of this Chapter, if, within 30 days after the general election during the calendar year in which the excess Campaign Contribution was made, the said Vendor, Developer, Development Professional or Alcoholic Beverage Licensee, or contributor of a Pass-Through Contribution notifies the Chief Financial Officer in writing that it has received a reimbursement of a contribution in excess of that allowed in Section 2-76.4 or Section 2-76.5, and by attaching a true and correct copy of the check received in reimbursement.

2-76.9 Reasons for Abstention by Ineligible Official to Be Set Forth On the Record, and Recorded in the Minutes of the Meetings; With respect to each and every vote or matter as to which the Mayor or any member of the Council is deemed to be have a Conflict of Interest and to be an Ineligible Official by virtue of the operation of Sections 2-76.3 through 2-76.5, the reasons for the abstention shall be set forth by the Borough Clerk or Board Secretary, as the case may be, in public and on the record and shall be recorded in the minutes, and noted on any resolution memorializing the same, and in any contract or other agreement executed in accordance therewith.

SECTION THREE: Severability. If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

SECTION FOUR: Effective Date. All ordinances and part of ordinances inconsistent herewith are hereby repealed. This ordinance shall take effect upon adoption and publication according to law.

Seconded by Mr. DuPont and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: December 18, 2013