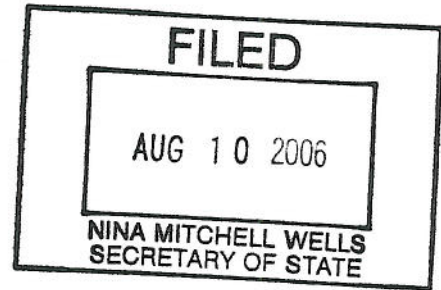




Township of River Vale
 County of Bergen
 State of New Jersey



ORDINANCE #161-2006

Date of 1 st reading: June 26, 2006	Motion to Introduce: Councilman Blundo
Date of Public Hearing : July 24, 2006	Motion Seconded: Councilman de Stefan

ORDINANCE OF THE TOWNSHIP OF RIVER VALE ON PURCHASING PROCEDURES, PAY TO PLAY AND CONFLICTS OF INTEREST

This is an amendment and supplement to the Ordinances of the Township of River Vale, entitled "Chapter 8, CLAIMS PROCEDURE" adopted by the Township Council of the Township of River Vale 5-17-1979 by Ord. No. 0-11-79, the section entitled "Chapter 13, ETHICS" adopted by the Township Council of the Township of River Vale 11-26-1991 by Ord. No. 0-25-91 (Ch. 27 of the 1967 Code, the new provisions shall become "Chapter 14 Pay to Play and Withholding Public Contracts from Substantial Political Contributors", and this shall constitute an amendment to the Personnel and Policy Manual of the Township of River Vale.

WHEREAS, the taxpayers and citizens of the Township of River Vale (the "Township") have a right to expect that the exercise of the duties and responsibilities of their elected municipal officials and the Township's employees and officials, are not influenced by or in exchange for excessive political contributions; and,

WHEREAS, the opportunities for such influence are offered and obtainable in certain circumstances, particularly with respect to the award of professional contracts, the granting of change orders on contracts that are publicly bid, and the purchases of goods and services for amounts less than the statutory bid amount, and even in setting of bid requirements, if vendors are permitted to make substantial political contributions directly, or indirectly through political action committee or county committee accounts or through the campaign accounts of candidates in other jurisdictions, to the election campaigns of the local government elected officials who are ultimately responsible for the awarding of such contracts or change orders, or who oversee those responsible for making purchases of goods and services; and,

WHEREAS, the opportunities for such influence also exist with respect to development projects within the municipality, if developers, or the professionals who represent or perform services for developers in connection with development projects within the Township, are permitted to make substantial political contributions to the election campaigns of the local government elected officials who sit on local zoning boards, or who are responsible for making appointments to local zoning boards, or who are ultimately responsible for Development Agreements, and resolutions relating thereto, entered into by the Township pursuant to a Redevelopment Plan or the Municipal Land Use Law; and,

WHEREAS, professional business entities can be exempt from public bidding requirements under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, it has become common for professional business entities to make substantial political contributions, whether directly or through intermediaries, including but not limited to the Bergen County Political Party Committees, other county organizations, and entities to the election campaigns of local government officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

WHEREAS, local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received, and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

WHEREAS, nothing herein contained is intended to impair in any way the right of a professional service provider to exercise federal and State constitutional rights of free speech; and,

WHEREAS, pursuant to NJSA 40A:11-5 and NJSA 40:48-2, municipalities have the right to establish rules and procedures governing the conduct of their elected officials, employees and officers, and governing the contracting with persons and entities doing business with the Township with or without out public bid, the issuance and renewal of licenses for the sale of alcoholic beverages within the Township, and to establish rules and procedures relating to application for development and redevelopment projects, and relating to licenses to sell alcoholic beverages within the Township; and,

WHEREAS, the taxpayers and citizens of the Township of River Vale(the "Township") have a right to keep understand and know the basis of the actions and decisions of their municipal officials in the performance of their official duties, to monitor their expenditures of taxpayer dollars, and to expect that the exercise of the duties and responsibilities of their elected municipal officials and the Township's employees and officials, are not influenced by or in exchange for political contributions; and,

NOW, THEREFORE, BE IT ORDAINED by the Township of River Vale, County of Bergen, New Jersey, that Vale that it is the public policy of the Township to refuse public professional service contracts to professional service providers who knowingly make any political contributions, as hereinafter defined, perhaps in the expectation of being considered for a no-bid contract; and

BE IT FURTHER ORDAINED, General Ordinances of the Township of River

Vale, are hereby amended and supplemented as follows and that the Code shall amend and have new sections, entitled "Chapter 8, CLAIMS PROCEDURE" adopted by the Township Council of the Township of River Vale 5-17-1979 by Ord. No. 0-11-79, the section entitled "Chapter 13, ETHICS" adopted by the Township Council of the Township of River Vale 11-26-1991 by Ord. No. 0-25-91 (Ch. 27 of the 1967 Code, the new provisions shall become "Chapter 14 Pay to Play and Withholding Public Contracts from Substantial Political Contributors", and this shall constitute an amendment to the Personnel and Policy Manual of the Township of River Vale, as follows:

Section 1. Restrictions on Campaign Contributions by Vendors to the Township

A.. *Definitions. (New)*

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 Township, 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 Township, 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.*;

Township shall mean the Township of River Vale as a municipal entity, and any elected official, officer, employee, agent, department, board or commission of the Township of River Vale;

River Vale Campaign 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 Township, or to any municipal or party committee or political club or organization within the Township; 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).

Campaign Contribution shall mean River Vale Campaign 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 Township, 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.

County Campaign 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 county political organization or county campaign committee or fund within or without the County of Bergen; 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).

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 hereon of the Ordinances of Township of River Vale;

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

Pass-Through Campaign Contributions 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 Township, or to any municipal or party committee or political club or organization within the Township, 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 Township, or from any county political organization, county campaign committee or political action committee or fund within or without the County of Bergen.

Professional business entity seeking a public contract means an individual including the individual's spouse, and any unemancipated child living in the household of such person, a firm, corporation, professional corporation, partnership, limited partnership, limited liability company, unincorporated association or similar organization. The definition of a business entity encompasses all principals and partners who own 10% or more of the equity in the business entity, and any officers employed by the entity, as well as any subsidiaries directly controlled by the business entity.

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 shall mean a certification in lieu of affidavit pursuant to which each Vendor shall list each and every River Vale Campaign 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 Township, 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 herein, and is therefore eligible to enter into, and be paid pursuant to, an Agreement to Purchase Goods or Services.

Section 2. Amendments and supplements to Chapter 8, CLAIMS PROCEDURE" adopted by the Township Council of the Township of River Vale is hereby amended or to add the following subsections:

A. 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 Township shall not enter into any Agreement to Purchase Goods or Services, 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 herein of the Township of River Vale, during the three-year period immediately preceding the date of the contract or agreement, or during the term of any such Agreement to Purchase Goods or Services;

B. Limits on Political Campaign Contributions by Vendors to the Township.

No Vendor shall knowingly solicit on behalf of, or make any Campaign Contribution in excess of the limits specified herein during the pendency of any such negotiations for, or during the term of, any Agreement to Purchase Goods or Services.

C. Vendors to Certify Their Compliance with the Township'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 Township'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 Township Attorney, in which the Vendor shall verify that it has not knowingly made any Campaign Contribution in excess of the limits set forth herein by the Township of River Vale, and that it has not otherwise violated the ordinance herein. 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 Township'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.

D. 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 or herein, 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 this ordinance and shall thereafter be prohibited from entering into any Agreement for the Sale of Goods and Services with the Township, and from receiving any payment pursuant to any existing agreement or 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 Township. Any Vendor may appeal to the Council from a determination by the Chief Financial Officer that it is an Ineligible Vendor. Such appeal shall be filed in writing with the Township Clerk and within forty-five days of such finding or declaration, setting forth the factual and legal basis for the appeal, shall be heard and decided by the Council within forty-five days after filing, unless extended by the parties, if for any reason there is a failure to decide an appeal in the time set forth above, the action shall be automatically considered a denial of the appeal, and any decision by rendered herein may be reviewed by the Superior Court of New Jersey.

E. Chief Financial Officer to Verify Eligibility of Vendors.

Neither the Township of River Vale, 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.

F. All Resolutions Awarding Agreements for the Sale of Goods or Services, Awarding of Bids, Approving Changes Orders, or Authorizing Payments of Bills Shall Contain a Verification of Vendor Eligibility; Township 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 Township 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 Township has certified that the Vendor or Vendors that are the subject of the resolution are Eligible Vendors within the meaning of this Section.

G. Chief Financial Officer to Maintain a List of Ineligible Vendors

The Township'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 Township. 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 9-8 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 River Vale Campaign Contributions or Pass-Through Contributions required to be filed pursuant to Section 9-8.

H. 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, 2006, and no such Campaign Contributions shall be considered by the Chief Financial Officer in determining a Vendor's eligibility pursuant to this Section.

Section 3. (New) Restrictions on Eligibility of Township Officials to Participate in, or Vote on, Matters Involving Certain Vendors, Developers, Alcoholic Beverage Licensees or Mercantile License Holders;

1. Chapter IX, Conflicts of Interest, is hereby amended as follows to include the following provisions:

A. DEFINITIONS.

For the purposes of this section:

Alcoholic Beverage Licensee shall mean 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 Township of River Vale, 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 Township 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 Five Percent (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 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;

The Township shall mean, in addition to the Township of River Vale as a municipal entity, any elected official, officer, employee, agent, department, board or commission of the Township of River Vale;

River Vale Campaign 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 Township, or to any municipal or party committee or political club or organization within the Township; 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).

Campaign Contribution shall mean River Vale Campaign Contribution, County Campaign Contribution and/or Pass-Through Campaign Contribution as defined herein.

County Campaign 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 county political organization or county campaign committee or fund within the County of Bergen; 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).

Developer shall mean any individual or Entity who makes any application to the Township’s Planning Board or Zoning Board of Adjustment for any subdivision, site plan approval or variance relief, regardless of how minor; or who owns or is the contract purchaser of any property that is the subject of any such application, or who owns or is the contract purchaser of, any property located within a designated Redevelopment Area, regardless of whether the property has been specifically designated as being “in need of redevelopment”; or who engages directly or indirectly in negotiations with the Township relating to, or has in fact entered into, a Developer’s Agreement pursuant to any Redevelopment Plan or the Municipal Land Use Law, or 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 in the case of a Developer who is an individual, his or her spouse and any child living at home, and any Entities of which any of them are principals holding a Five Percent (5%) or greater interest; and in the case of a Developer 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 Five Percent (5%) in the entity, or in any parent or subsidiary of the entity, and their spouses, if any, and any child living at home;

Developer’s Agreement shall mean any agreement entered into between a Developer and the Township relating to an application or plan to develop or redevelop property within the Township of River Vale.

Development Matter shall mean any application for development pending before the Township Planning Board or Zoning Board of Adjustment of the Township, any application or proposal to change the Township’s zoning regulations or Master Plan, or any proposed development pursuant to a Redevelopment Plan, or any Developer’s Agreement. With respect to a Developer, the term “relating to a Development Matter” shall mean that the Developer is the applicant, owner or contract purchaser of property that is the subject of an application for development pending before the Township Planning Board or Zoning Board of Adjustment of the Township, or of any application or proposal to change the Township’s zoning regulations or Master Plan, or of any application for development pursuant to a Redevelopment Plan or otherwise a party to any Developer’s Agreement. 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 Developer in connection with that

Development Matter.

Development Professional shall mean 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 any principal owning not less than a Five Percent (5%) interest in the Entity.

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 Official shall mean any elected official or department head of the Township of River Vale who has a "Conflict of Interest" pursuant to ordinances of the Township of River Vale.

Pass-Through Campaign Contributions 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 Township, or to any municipal or party committee or political club or organization within the Township, 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 Township, or from any county political organization, county campaign committee or political action committee or fund within or without the County of Bergen.

Professional business entity seeking a public contract means an individual including the individual's spouse, and any unemancipated child living in the household of such person, a firm, corporation, professional corporation, partnership, limited partnership, limited liability company, unincorporated association or similar organization. The definition of a business entity encompasses all principals and partners who own 10% or more of the equity in the business entity, and any officers employed by the entity, as well as any subsidiaries directly controlled by the business entity.

Redevelopment Plan shall mean any plan, or amendment thereto, adopted by ordinance of the Mayor and Council pursuant to and in accordance with Redevelopment and Housing Law, Chapter 79, P.L. 1992, including without limitation.

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;

B. DISCLOSURE OF PERSONAL INTEREST.

Any official or employee who has or may have any interest, direct or indirect, in any measure, indebtedness or action and who participates in discussion with or gives an official opinion to the Mayor, Township Council or to any municipal agency, board or authority with respect thereto shall disclose on the records of the of the Township or agency, board or authority the nature and extent of such interest. Such personal interests shall be described in writing and filed with the Township Clerk, and shall be subject to inspection pursuant to the Open Public Records Law.

C. PROHIBITED ACTIVITIES.

1. No municipal officer or employee shall engage in political activity during his or her hours of duty with respect to any candidate.

2. No municipal officer or employee shall use or permit others to use the facilities of the Township for the preparation, storage or distribution of campaign material.

3. Nothing in this chapter shall be construed to prevent an elective officer from campaigning, or engaging in political activity, at any time.

4. No appointed or elected municipal officer or employee shall use or permit others to use the facilities of the Township for the conduct of private business. With the approval of the Mayor and Council, nonprofit public-service and civic organizations shall be allowed to use such Township facilities as may be deemed appropriate and as may be permitted pursuant to law.

5. No Municipal official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Township, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others. The Township Council may, as it deems appropriate, determine by Resolution what information shall be deemed confidential for the purpose of this subsection.

D. INELIGIBILITY OF ELECTED OFFICIALS TO PARTICIPATE IN OR VOTE ON SPECIFIC MATTERS INVOLVING CERTAIN CAMPAIGN CONTRIBUTORS

1. Any elected official who has received any River Vale Campaign Contribution from any Developer in excess of the limits set forth herein, 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.

2. Any elected official who has received any River Vale Campaign Contribution from any Development Professional in excess of the limits set forth herein, 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.

3. Any elected official who has received any River Vale Campaign Contribution from any Alcoholic Beverage Control Licensee 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, or in respect to the real property or developmental applications involved with the Licensee, the owners or purchasers of the property, or otherwise.

E. 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.

1. Any elected official who has received during any of the three preceding calendar years, including during years preceding his or her election, Pass-Through Campaign Contributions from any single source in excess of \$400, or who has during any of the said three preceding years received combined Pass-Through Campaign Contributions from all sources, in excess of Ten Percent (10%) of the total amount of all River Vale Campaign Contributions received by that elected official during that same calendar year, 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:

2. The award of any Agreement for the Sale of Goods or Services to the Township, and shall be further barred from voting on the grant of change orders with respect to publicly bid contracts or agreements; with respect to each and every vote as to which the Mayor or member of the Council is ineligible by virtue of this provision, the reasons for the abstention shall be set forth on the record, recorded in the minutes, and noted on the resolution awarding the contract or agreement for the sale of goods and services;

3. Any Development Matter, and any appointment to the Planning Board or Board of Adjustment of the Township of River Vale;

4. Any matter relating to or involving any Alcoholic Beverage Licensee.

F. RIVER VALE AND COUNTY CAMPAIGN CONTRIBUTION LIMITS AFFECTING VENDOR ELIGIBILITY AND CONFLICTS OF INTEREST.

1. Campaign Contribution limits affecting the eligibility of Vendors, pursuant to this ordinance, to enter into or be paid pursuant to Agreements for the Purchase of Goods or Services are as follows:

2. The maximum combined amount of River Vale 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,

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;

a. 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 River Vale 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 9-4a or b, respectively.

2. Any candidate for the office of mayor or council who receives a River Vale 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 9-4c;

a. The award of any professional services contract under the Non-Fair and Open Process of N.J.S.A. 19:44A-20.4 et seq. shall preclude the professional or vendor from contributing to any candidate, campaign, or county committee during the existence or pendency of the contract and the contract shall contain language evidencing that the vendor or professional shall not do so contribute.

b. The limits set forth herein 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.

G. REPORTING OBLIGATIONS OF CANDIDATES FOR OFFICE OF MAYOR OR COUNCIL

a. Each and every candidate for the Office of Mayor or Council within the Township of River Vale shall file with the Township 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 Township 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 Township Clerk, pursuant to which the candidate shall certify the following:

1. That he or she has personally inspected the records of contributions made to his or her campaign account or election fund;

2. That the information contained on the attached report is, after due inquiry, accurate in all material respects;

3. 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 River Vale 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 Township of River Vale;

H. ADDITIONAL RESTRICTIONS ON PROFESSIONAL CONTRACT

a. Any other provision of law to the contrary notwithstanding, the Township and any of its purchasing agents or agencies, its statutory boards, and its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services or insurance coverage services, from any professional business entity, if that entity has solicited or made any contribution of money, or pledged a contribution, including in-kind contributions, to a campaign committee of any Township candidate or holder of a public office in the Township, whether or not that officeholder has the ultimate responsibility for the award of the contract, or to any municipality, Bergen County party committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Township candidates or Township officeholders, including any State party or legislative leadership committee, if such contribution or pledge is made within two calendar years immediately preceding the date of the municipal decision awarding such contract or agreement.

b. No professional business entity that enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof, or its statutory boards, or its independent authorities, for the rendition of professional, banking or insurance services or any other no-bid consultation services, shall knowingly solicit or make any contribution of money, or pledge a contribution, including in-kind contributions, to any Township candidate or holder of a public office in the Township,

whether or not that officeholder has the ultimate responsibility for the award of the contract, or to any municipality or Bergen County party committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Township candidates or Township officeholders, including any State party or legislative leadership committee, between the time of first communication between that business entity and the Township regarding a specific professional services agreement, and the later of the termination of negotiations or the completion of the contract or agreement.

Section 4. PENALTY

a. All Township professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity to violate this ordinance or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

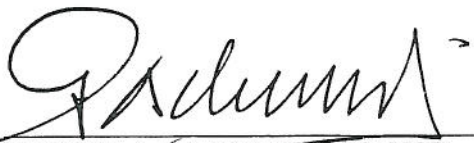
b. Any professional business entity or vendor which or who knowingly fails to reveal a contribution made in violation of this Ordinance, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Township contracts for a period of four (4) calendar years from the date of the violation and shall forfeit any monies, remuneration, compensation, emoluments, fees or otherwise which are due and owing from the Township of River Vale.

Section 5. SEVERABILITY AND EFFECTIVENESS CLAUSE:

If any sentence, paragraph or section of this Ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance. 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 6. All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

Section 7. This Ordinance shall take effect upon passage and publication as required by law.



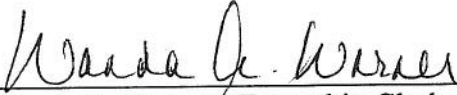
GEORGE A. PASCHALIS, MAYOR

7/27/06

Date Signed by Mayor

Date Vetoed by Mayor

ATTEST:



Wanda A. Worner, Township Clerk

Date Introduced: 6/26/06

Date Adopted: 7/24/06

Council Member	AYE	NAY	N.V.	A.B	VETO
BLUNDO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DE STEFAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASIONOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Council Member	AYE	NAY	N.V.	A.B	VETO
MATOS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MENVILLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

X - Indicates Vote A.B. - Absent N.V - Not Voting (Abstained or Excused)