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March 6, 2014

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State House
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Trenton, NJ 08625-0300

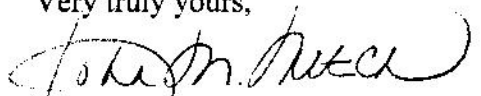
**RE: AMENDMENTS TO PUBLIC CONTRACTING REFORM ORDINANCE
AND REDEVELOPMENT PAY-TO-PLAY REFORM ORDINANCE**

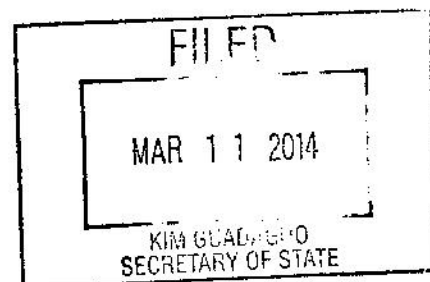
Dear Lt. Governor Guadagno:

Attached is a copy of Ordinance 14-02 (adopted January 21, 2014) amending Woodbridge Townships Contracting Reform Ordinance and its Redevelopment Pay-To-Play Reform Ordinance. To assist in following the amendments I have also included a copy of pages (269 - 276) from our General Ordinance codification (previously filed with your office).

If you have any questions, please feel free to contact me at 732-634-4500 x6404.

Very truly yours,


John M. Mitch, RMC, CMC, CMR
Municipal Clerk
Attachments



AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION" OF THE REVISED ORDINANCES OF
THE TOWNSHIP OF WOODBRIDGE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WOODBRIDGE

that Section 2-94 is amended as follows:

1. Section 2-94.1(a) line 4 after the word "be" add "(Collectively the "Township")".
2. Section 2-94.1(a) line 6 after the word "procure" add "through a non-fair and open process" and delete the words "without public bid."
3. Section 2-94.1(a) delete the words beginning on line 17 with the word "or" and ending on line 24 with the words "...in paragraph c"
4. Section 2-94.1(b) delete the words beginning on line one with the words "No professional business entity..." and ending on line 6 with the words "...in paragraph a..." and replace them with "Any business entity receiving a contract pursuant to a non-fair and open process."
5. Section 2-94.1(b) line 6 after the word "shall" add the word "not".
6. Section 2-94.1(b) line 10 after the word "Township" add the word "municipal".
7. Section 2-94.1(b) line 11 after the word "office" add "or the Woodbridge Democratic or Republican Organizations, during the pendency of the contract." And delete the balance of the subsection.
8. Delete section 2-94.1(c) in its entirety.
9. Section 2-94.1(d), repaginate the section as "c" and delete the words beginning on line 2 with the words "is any entity..." and ending on line 5 with the words "...statute and which"; line 5 change the word "includes" to "shall include"; line 6 delete the word "including"; line 7 delete the words "a person".
10. Section 2-94.1(e) repaginate as section 2-94.1(d).
11. Section 2-94.3(a) line 1 after the word "contract" add "pursuant to a non-fair and open process".
12. Section 2-94.3(a) delete the words beginning on line 1 with the word "or" and ending on line 3 with the words "...Township would be".
13. Section 2-94.3(a) line 3 after the word "permitted" add "under the statute".
14. Section 2-94.3(a) line 3 delete the words beginning with the word "to" and ending on line 5 with the words "professional business entity,"
15. Section 2-94.3(a) delete the words beginning on line 6 with the words "or any of ..." and ending on line 7 with the words "...case may be."
16. Section 2-94.3(b) line 3 delete the words "that may occur".
17. Section 2-94.3(b) line 4 delete the words "negotiation or".
18. Section 2-94.4 delete the words beginning on line 2 with the word "or" and ending on line 4 with the words "this section".
19. Section 2-94.4 line 7 delete the word "Council".
20. Section 2-94.5(b) line 8 delete the word "Woodbridge".

BE IT FURTHER ORDAINED that Section 2-96 is amended as follows:

1. Section 2-96.1(a) delete the words beginning on line 1 with the words "Any other provision..." and ending on line 2 with the word "any".
2. Section 2-96.1(a) line 2 add the word "no" before the word "redevelopment".
3. Section 2-96.1(a) line 5, delete the word "not".
4. Section 2-96.1(a) line 7 after the word "redeveloper" add "who is (i) not the owner of the property that is the subject of the redevelopment and (ii) is not selected through a fair and open process".
5. Section 2-96.1(a) delete the words starting on line 10 with the words "including the acquisition..." and ending on line 13 with the words "...Woodbridge, (the "Township")"
6. Section 2-96.1(a) delete the words beginning on line 22 with the word "having" and ending on line 27 with the words "to any County"; add on line 27 after "or", "to any".
7. Section 2-96.1(a) delete the words beginning on line 31 with the words "which regularly engage..." and ending on line 36 with the words "...Township Municipal Campaigns".
8. Section 2-96.1(a) delete subsections (i) and (ii) and replace them with "twelve (12) months prior to being designated as a redeveloper, and continuing through the completion of the Project. Completion of the project shall be deemed to occur when a certificate of completion is issued by the Township."
9. Add a new section designated 2-96.1(b) which reads in its entirety "Any lease, purchase, swap or transfer of property rights of any municipal property, or portion thereof by the designated redevelopment entity, to the redeveloper as described above, shall be subject to the same restrictions set forth in section 2-96.1(a) above."
10. Section 2-96.1(b) shall be repaginated as Section 2-96.1(c); and line 1 after the word "agreements" add "subject to restriction under Section 2-96.1(a) above."
11. Repaginated Section 2-96.1(c) delete the words beginning on line 11 with the words "having responsibility for ..." and ending on line 15 with the words "agreements or".
12. Repaginated Section 2-96.1(c) line 16 after the word "or" add "municipal".
13. Repaginated Section 2-96.1(c) line 17 place a comma after the word "committee" and delete the words beginning on line 17 with the words "or to a ..." and ending on line 27 with the words "prospective redeveloper or".
14. Repaginated Section 2-96.1(c) line 27 before the word "the" add "from the execution of a redevelopment agreement and".
15. Existing Section 2-96.1(c) repaginate as Section 2-96.1(d).
16. Repaginated Section 2-96.1(d) lines 4 and 5 delete the words "or propose to enter into".
17. Repaginated Section 2-96.1(d) line 6 after the word "entity" add "to complete the redevelopment project" and delete the words starting on line 6 with the words "for the ..." and ending on line 12 with the word "rehabilitation project."
18. Repaginated Section 2-96.1(d) line 18 after the word "association," add the words "parent company".
19. Existing Section 2-96.1(d) delete in its entirety.

20. Section 2-96.2 line 5 delete the words "and b".
21. Delete Section 2-96.4 in its entirety.
22. Existing Section 2-96.5 repaginate as 2-96.4.
23. Repaginated Section 2-96.4 line 10 delete the words "or county".
24. Existing Section 2-96.6 shall be repaginated as Section 2-96.5.
25. Repaginated Section 2-96.5 line 2 after the word "redeveloper" add "prohibited from making contributions pursuant to subsection 2-96.1(a)" and on line 4 delete "and b".
26. Existing Section 2-96.7 shall be repaginated as Section 2-96.6.
27. Existing Section 2-96.8 shall be repaginated as Section 2-96.7.
28. Existing Section 2-96.9 shall be repaginated as Section 2-96.8.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

This ordinance shall become effective 20 days after adoption and publication according to law.

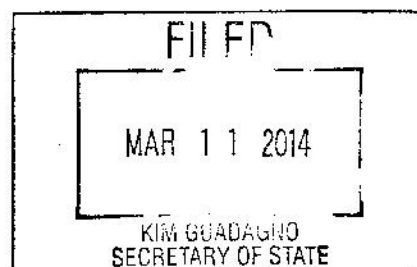
ADOPTED: JAN 21 2014

I hereby certify that the above is a true and exact copy of the Ordinance adopted by the Municipal Council of the Township of Woodbridge at their Regular Meeting held on JAN 21 2014



JOHN M. MITCH, RMC, CMC, CMR
MUNICIPAL CLERK

1/8/14/ea



2-94. PUBLIC CONTRACTING REFORM ORDINANCE.

2-94.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township, its purchasing agent or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure, without public bid, any service which the Township would be permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and 40A:11-5(1)(m) (the "statute") from any professional business entity, if that entity has solicited on behalf of, or made any contribution of money, or pledged a contribution, including in-kind contributions, to a campaign committee of any Woodbridge Township municipal candidate or holder of the public office, who would have, or has, ultimate responsibility for the award of the contract, or to any Woodbridge Township or Middlesex County party committee, or to any political action committee that is organized for the primary purpose of promoting or supporting Woodbridge Township municipal candidates or municipal officeholders (PAC) in excess of the thresholds specified in paragraph c., within twelve (12) consecutive months immediately preceding the date of the award of the contract.

b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement not the subject of public bidding with the Township or its independent authorities for the rendition of services described in paragraph a. shall knowingly solicit on behalf of, or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Woodbridge Township candidate or holder of the public office who would have, or has, ultimate responsibility for the award of the contract, or to any Woodbridge Township or Middlesex County party committee, or to any PAC that is organized for the primary purpose of promoting

or supporting Woodbridge Township municipal candidates or municipal officeholders between the time of first communications between that professional 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.

c. (i) Subject to the limitation in (ii) of this paragraph, any entity meeting the definition of "professional business entity" under this section may annually contribute a maximum of four hundred (\$400.00) dollars to each candidate, for Mayor or Council, and five hundred (\$500.00) dollars to each Woodbridge Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. of this subsection. However, (ii) any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity may not annually contribute in the aggregate in excess of a total of two thousand five hundred (\$2,500.00) dollars to all Woodbridge Township candidates and officeholders who have or if elected would have ultimate responsibility for the award of the no bid contract, and all Woodbridge Township or Middlesex County political parties and PACs referenced in this section without violating paragraph a. of this subsection.

d. For purposes of this section, a "professional business entity" is any entity seeking or performing without competitive bidding, a public contract for services permissible under the statute and which includes an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners, and officers employed by the entity as well as any subsidiaries directly controlled by the business entity.

e. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Township of Woodbridge Council, if the contract requires approval or authorization from the Council.

2. The Mayor of Township of Woodbridge, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of contract is appointed by the Mayor.

(Ord. # 04-40 § 1)

2-94.2 Contributions Made Prior to the Effective Date of this Section. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section." (Ord. # 04-40 § 2)

2-94.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement without public bid, any service which the Township would be permitted to procure on a "no bid" basis pursuant to the statute to any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that it has not made a contribution in violation of subsection 2-94.1 of this section.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

(Ord. # 04-40 § 3)

2-94.4 Return of Excess Contributions.

A professional business entity or Township candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 2-94.1 of this ordinance if, within thirty (30) days after the general election, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the entity to whom the contribution was made. (Ord. # 04-40 § 4)

2-94.5 Penalty.

a. All Woodbridge Township agreements with Professional Business Entities shall provide that it shall be a material breach of the terms of the government contract for a professional business entity to violate, or to aid or abet a violation, of subsection 2-94.1b. and c. 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 who knowingly fails to reveal a contribution made in violation of this section, 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 Woodbridge Township contracts for a period of

*Editor's Note: Ordinance No. 04-40, codified herein as Section 2-94, was adopted September 7, 2004.

forty-eight (48) months from the date on which the violation is finally determined.
(Ord. #04-40 § 5)

2-95 OPEN APPLICATION LAW AND PUBLIC DIRECTORY OF APPOINTED VOLUNTEER MUNICIPAL POSITIONS.

2-95.1 Intent and Purpose.

The purpose of this section is to foster open government and provide citizens with information concerning the various appointed volunteer municipal positions, which exist within Woodbridge Township. The section further provides for a procedure whereby a citizen can indicate his/her desire to serve in a particular volunteer appointed position. (Ord. #06-22)

2-95.2 Definitions.

The following terms used in this section shall have the meanings set forth below unless the context within which the term is used clearly provides for a different meaning:

a. *Appointing Authority* shall mean the Mayor and/or Municipal Council, which by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed volunteer municipal position, or to consent upon said appointment.

b. *Appointed volunteer municipal position* shall mean any voluntary position appointed by the Appointing Authority within the Township of Woodbridge, (the "Township") which is created either by statutory law or by ordinance or resolution. Examples of such positions are members of any board, commission, or agency.
(Ord. #06-22)

2-95.3 Registry of Appointed Positions.

The Municipal Clerk shall cause a register of appointed volunteer municipal positions to be

prepared and maintained. Such register shall be made available on the Township website and shall be available for inspection in the Municipal Clerk's Office. The register shall set forth the following:

- a. Title of each appointed position
- b. Brief description of the position and duties
- c. Any special credentials or qualifications required to hold the position if applicable
- d. Length of term for the position
- e. The name of the person, excluding minors, currently holding the position, the expiration date of his or her term, and the number of vacant seats on the board or commission
- f. The dates, times and frequency of any meetings which the holder of the position must attend
(Ord. #06-22)

2-95.4 Vacancies.

The Municipal Clerk shall maintain a current listing of all existing vacancies for each appointed volunteer municipal position. Upon the occurrence of a vacancy, the Board or Commission Secretary shall notify the Municipal Clerk so that the vacancy may be posted on the Township website. (Ord. #06-22)

2-95.5 Filling Vacancies.

Unless essential for the proper functioning and/or carrying on business of the agency upon which the vacancy has occurred, a vacancy which results from the resignation, non-reappointment, or inability to serve, of a person appointed to serve in an appointed volunteer municipal position a ("vacancy") shall not be filled for a period of thirty (30) days from its posting in order to provide for a review of the current register of interested citizens and to allow other interested parties time to submit an application. (Ord. #06-22)

2-95.6 Applications.

The Municipal Clerk shall maintain an application form to be completed by citizens interested in serving in an appointed volunteer municipal position. Such application shall, at a minimum, contain the following information:

- a. Name
- b. Address
- c. Telephone number
- d. E-mail address (optional)
- e. Appointed position sought
- f. Qualifications/experience for position
- g. Current occupation and employer (optional)
- h. Signature
(Ord. #06-22)

2-95.7 Filing Applications.

Any person interested in serving an appointed volunteer municipal position may file with the Municipal Clerk an application at any time or when a vacancy occurs. A person may withdraw his or her application at any time. All applications will be maintained in the register for two (2) years. All applications will be considered void after two (2) years unless renewed by the applicant in writing. (Ord. #06-22)

2-95.8 Filling Voluntary Municipal Positions.

Prior to filling any vacant appointed volunteer municipal position, the appropriate Appointing Authority shall review each application filed for the position. The Appointing Authority shall conduct such review, investigation, and/or interviews, as the Appointing Authority deems necessary in its discretion. Upon filling a vacant appointed volunteer municipal position, the name of the appointed person will be posted on the Township website. (Ord. #06-22)

2-95.9 Repealer.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed. (Ord. #06-22)

2-95.10 Severability and Effectiveness Clause.

If any sentence, paragraph or subsection of this section, or the application thereof to any person, or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or subsection of this section shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of the section. (Ord. #06-22)

2-96 REDEVELOPMENT PAY-TO-PLAY REFORM.**2-96.1 Prohibition of Entering Into or Amending Redevelopment Agreements with Certain Contributors.**

a. Any other provision of law to the contrary notwithstanding, any redevelopment entity designated by the Township Council excluding the Woodbridge Housing Authority (the "redevelopment entity"), shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper for the planning, replanning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Township of Woodbridge, (the "Township") pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as specified below, to a campaign committee of any candidate for Woodbridge Township municipal office or holder of municipal public office within the Township (at

the time the contribution was made), having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the redevelopment entity or the Township, or; to any County or municipal party organization, or election committee (excluding election committees of nonmunicipal elected officials and candidates for nonmunicipal offices) which regularly engages in the support of municipal elections and/or municipal parties or which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Woodbridge Township municipal campaigns. For the purposes of this section, the "applicable time period" shall be i.) for redevelopment areas which have been determined and the redevelopment process begun prior to the effective date of this section* the time period between the date on which the redevelopment entity first seeks Requests For Qualifications ("RFQ") from potential developers to redevelop the property and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement, whichever is longer; or ii.) for proposed redevelopment areas considered subsection to the effective date of this section* from the time period between the date the property(ies) which are the subject of the proposed redevelopment area are included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site(s) are in need of redevelopment and the date of entering into a redevelopment agreement, or twelve (12) months prior to entering into a redevelopment agreement, whichever is shorter.

b. All redevelopment agreements or amendments thereto entered into by a redevelopment entity shall contain a provision prohibiting redevelopers as defined in

*Editor's Note: Ordinance No. 06-59, codified herein as Section 2-96 is effective May 1, 2007.

paragraph c. from soliciting or making any contribution of money or pledge of a contribution including in-kind contributions, to any candidate for Woodbridge Township municipal officer or holder of municipal public office within the Township (as the time the contribution is made) having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the redevelopment agreements or; to any Woodbridge Township political organization or political campaign committee, or to a Middlesex County Party Organization, any committee or, election committee (excluding election committees of nonmunicipal elected officials and candidate for nonmunicipal office) which regularly engages in the support of Woodbridge Township municipal campaigns between the time the Township or the redevelopment entity first receives a proposal from a prospective redeveloper and the later of the termination of negotiations with the prospective redeveloper or the completion of all matters specified in the redevelopment agreement. Any redeveloper making a contribution in contradiction of the herein required contract provision shall be in breach of the redevelopment agreement.

c. As defined in N.J.S.A. 40A:12A-3, (the "Act") a "redeveloper" means any person, firm, corporation partnership or limited liability company that shall enter into or propose to enter into a contract with a Township or its designated redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of the Act, or for any construction or other work forming part of a redevelopment or rehabilitation project. For purposes of this ordinance the definition of a redeveloper includes an individual, including an individual's spouse, and any nonemancipated child living at the same address; firm; corporation; professional corporation; partnership; organization or association, including all

principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners and officers employed by the entity as well as any subsidiaries directly controlled by the redeveloper, and excluding sub-contractors or subsidiaries in which the redeveloper has a ten(10%) percent or more ownership interest.

d. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:

1. The Township of Woodbridge Municipal Council (the "Council") if the Council has designated itself as the redevelopment entity, the redevelopment agreement requires approval or appropriation from the council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or

2. The Mayor of Woodbridge Township if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.
(Ord. #06-59 § 2-95.1)

2-96.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any of the candidates, office holders, or entities described in subsection 2-96.1. and b. shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior

to the effective date of this section.' (Ord. #06-59 § 2-95.2)

2-96.3 Notice Given by Municipality; Sworn Statement of Redeveloper.

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

b. Prior to arranging a redevelopment agreement being approved by the redevelopment entity or the Township with any redeveloper, the Township or redevelopment entity shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of this section. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur during the pendency of the redevelopment agreement, and until all specified terms of the agreement have been completed.

(Ord. #06-59 § 2-95.3)

2-96.4 Contribution Restrictions and Disclosure Requirement Applicability to Consultants.

a. The contribution and disclosure requirements in this section shall apply to all redevelopers as well as professionals, as defined in N.J.S.A. 40A:11-1 et seq., consultants or lobbyists contracted or employed by the redeveloper ultimately designed as the redeveloper to provide services related to the:

1. Lobbying of municipal government officials in connection with the examination of an area and its designation as an area in

*Editor's Note: Ordinance No. 06-59, codified herein as Section 2-96 is effective May 1, 2007.