ORDINANCE 2006 -784

AN ORDINANCE PERTAINING TO PURCHASING PROCEDURES, AND PROVIDERS OF SERVICES FOR THE BOROUGH OF LAKE COMO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the citizens of the Borough of Lake Como have a right to expect and the Municipal Offices of Lake Como have the duty to exercise their responsibilities so that there is no influence in their conduct by or in exchange for political contributions;

WHEREAS, the opportunities for such influence are particularly ripe 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 that 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 campaign of the local government elected officials who are ultimately responsible for the awarding of such contract or change orders, or who oversee those responsible for making purchases of goods and services;

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 Borough with or without public bid, and to establish rules and procedures relating to application for development and redevelopment projects, within the Borough;

NOW, THEREFORE, BE IT ORDAINED by the Borough of Lake Como as follows:

SECTION I.

A. Definitions.
For the purpose of this section:

Other Elected Office 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 maintained by or on behalf of any holder of any Elected Office of the Borough who is a declared candidate for an elected office other than an Elected Office of the Borough; the term directly or indirectly as used herein shall further mean and include any campaign contribution made through intermediaries or third parties for the purpose of concealing the source of the contribution(s).

Agreement to Purchase Goods or Services shall mean 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.**

Agreement to Purchase Professional Services shall mean any agreement or contract for the rendering of professional services to or on behalf of 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.**, or pursuant to a request for proposal (RFP) process.

Borough shall mean the Borough of Lake Como as a municipality entity, and any Elected Official, Municipal Officer, Municipal Employee, or any agent department, board or commission of the Borough of Lake Como.

Campaign Contribution shall mean Other Elected Office Campaign Contribution, Lake Como Campaign Contribution, County Campaign Contribution and/or PassThrough 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 resect 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 fund within the County of Monmouth; 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 contributions).

Elected Official shall mean any person who holds a position in the Borough of Lake Como which requires being elected by the voters of the Borough of Lake Como.

Elected Office, except where described more narrowly in this section, shall mean any governmental position which requires being elected by the voters, without regard to whether the Elected Office is within or without the Borough. A Candidate for Elected Office shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot,

whether in a primary, general, municipal, or school board election, for the Elected Office.

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

Ineligible Vendor shall mean any Vendor or Professional Vendor who has during the preceding three-year period made campaign contributions in excess of the limits set forth in this Ordinance.

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

Municipal Official or Municipal Employee shall mean any other person who works for or holds a position with the Borough of Lake Como other than an Elected Official.

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 in excess of $1000.00 as defined herein. In the case of an 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.

Professional Vendor shall mean any individual person or Entity who enters into an Agreement to Purchase Professional Services, as defined herein. In the case of any Professional 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 Professional 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; and any employee of the Professional Vendor who holds a professional license to provide professional services of the kind to be furnished pursuant to the Agreement to Provide Professional Services.

Vendor's Certification of Eligibility shall mean a certification in lieu of affidavit pursuant to which each Vendor and Professional Vendor shall list each and every Lake Como Campaign Contribution and each County Campaign Contribution the Vendor or Professional Vendor, as the case may be, 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 and each Agreement to Purchase Professional Services entered into by Borough, and prior to any payment made pursuant thereto, that he or she has obtained and reviewed the Vendor's or Professional Vendor's Certification of Eligibility, and the Ineligible Vendor List, and has determined that the Vendor or Professional Vendor is not in violation of the campaign contribution restrictions set forth in this Ordinance, and is therefor eligible to enter into, and be paid pursuant to, an Agreement to Purchase Goods or Services or an Agreement to Purchase Professional Services.

Lake Como 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 any Elected Official 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).

SECTION II.

A. RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS BY VENDORS TO THE BOROUGH

1. **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:

A. 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 in this Ordinance, 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. Any Agreement to Purchase Professional Services, or make any payment pursuant to any such Agreement with any Professional Vendor that has solicited or made any Campaign Contribution in excess of the limits of this Ordinance, during the three-year period immediately preceding the date of the contact or agreement, or during the term of any such Agreement to Purchase Professional Services.

2. **Limits on Political Campaign Contributions by Vendors to the Borough**

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

B. No Professional Vendor shall knowingly solicit on behalf of, or make any Campaign Contributions in excess of the limits of this Ordinance during the pendency of any such negotiations for, or during the term of, any Agreement to Purchase Professional Services.

3. **Vendors to Certify Their Compliance With The Borough's Restrictions or Campaign Contributions; Obligation is Continuing.**

A. Prior to issuing any purchase order or awarding to any Vendor or Agreement to Purchase Goods and Services, or making any payment pursuant to 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 Contributions in excess of the limits of this Ordinance, and that it has not otherwise violated this Ordinance.

B. Prior to issuing any purchase order or awarding to any Professional Vendor an Agreement to Purchase Professional 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 Professional Vendor first have submitted a Vendor's Certification of Eligibility, in language to be approved by the Borough Attorney, in which the Professional Vendor shall verify that it has not knowingly made any Campaign Contribution in excess of the limits set forth in the Ordinance of the Borough of Lake Como, and that it has not otherwise violated this Ordinance.

C. The certifications required by Subsections (A) and (B) above 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 and Professional 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 to Purchase Goods or Services or Agreement to Purchase Professional Services is in effect, or that occur during the pendency of any negotiations or bidding by the Vendor or Professional Vendor to enter into such an Agreement.

4. **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 by provided by law, any Vendor or Professional 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 I the Chief Financial Officer as an Ineligible Vendor, and shall be promptly indue on the Ineligible Vendor List maintained pursuant to Subsection ll-A(7) hereof and shall thereafter be prohibited from entering into any Agreement to Purchase Goods or Services or Agreement to Purchase Professional Services, as the case may be, with the Borough, and from receiving any payment pursuant to such an agreement, until such time as the Mayor and Council of the Borough of Lake Como adopts a Resolution determining that the Vendor is eligible or otherwise should be paid for services rendered or goods sold to the Borough. Any Vendor or Professional Vendor may appeal to the Mayor and Council of the Borough of Lake Como from a determination by the Chief Financial Officer that it is an Ineligible Vendor.

5. **Chief Financial Officer to Verify Eligibility of Vendors.**

Neither the Borough of Lake Como, nor any official thereof, shall:

A. enter into any Agreement to Purchase Goods or Services, in an amount that exceeds $1000.00 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 to Purchase Goods or Services, and each purchase order and voucher relating thereto; or

B. enter into any Agreement to Purchase Professional 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 of Eligibility with respect to that Professional Vendor, which Verification of Vendor Eligibility shall be appended to or otherwise incorporated into the said Agreement to Purchase Professional Services, and each purchase order and voucher relating thereto.

6. **All Resolutions Awarding Agreements to Purchase Goods or Services or Agreements to Purchase Professional Services, Awarding of Bids, Approving Change Orders, or Authorizing Payments of Bills Shall Contain a Verification of Vendor Eligibility; Borough Administrator to Publicly Announce Same.**

No Resolution authorizing the execution of an Agreement to Purchase Goods or Services or an Agreement to Purchase Professional 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 of the Borough of Lake Como unless it contains a Verification of Vendor Eligibility executed by the Chief Financial Officer, or his or her designee. The Borough Administrator shall, prior to introduction of any such resolution, first read a statement for the record advising the Borough of Lake Como and the public that the Chief Financial Officer of the Borough has certified that the Vendor(s) or Professional Vendor(s) that are the subject of the resolution are Eligible Vendors within the meaning of this Section.

7. **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 to Purchase Goods or Services or an Agreement to Purchase Professional 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 the candidates for the Mayor and Council of the Borough of Lake Como, the supplemental campaign certifications to be submitted by the candidates for Elected Office, pursuant to this Ordinance and information provided by Vendors and Professional Vendors as required herein. The Chief Financial Officer shall update the List of Ineligible Vendors within (5) business days of the receipt of any certifications or information as required in this Section, or of any reports or supplemental reports of Borough of Lake Como Campaign Contributions, or Other Elected Office Campaign Contributions required to be filed pursuant to this Ordinance.

8. **Contributions Made Prior to the Effective Dates.**

Notwithstanding any term contained herein to the contrary, no Vendor or Professional Vendor shall be required to report Campaign Contributions made prior to the enactment of this Ordinance. For the purpose of determining a Vendor's eligibility pursuant to this Section, the Chief Financial Officer shall not consider Campaign Contributions made prior to the enactment of this Ordinance, and shall not consider Other Elected, Office Campaign Contributions made by Vendors or Professional Vendors prior to the enactment of this Ordinance. Notwithstanding anything contained herein to the contrary, no Vendor or Professional Vendor shall be determined to be an ineligible Vendor provided that the Campaign Contributions they made prior to the enactment of this Ordinance did not exceed the limits set forth under applicable state law, and that the contributions they have made since the enactment of this Ordinance and thereafter do not exceed the limits set forth in this Ordinance.

SECTION III.
Conflicts of Interest.

1. **Definitions.**

For the purposes of this section:

Other Elected Office 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 maintained by or on behalf of any holder of any Elected Office of the Borough who is a declared candidate for an elected office other than an Elected Office of 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).

Alcoholic Beverage Licensee Lake Como shall mean any individual or Entity who owns or is negotiating for the purpose of, or has an application pending for a license or permit for the sale of alcoholic beverages within the Borough of Lake Como, whether or not the license is active, or 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 of Lake Como for the place-to-place transfer of the license. In the case of any Alcoholic Beverage License 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 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 who owns any interest in the said entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the entity.

Borough shall mean the Borough of Lake Como as a municipal entity, and any Elected Official, Municipal Officer, Municipal Employee, or any agent, department, board or commissioner of the Borough of Lake Como.

Borough 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 elected fund of any candidate for, or holder of any Elected Office 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 concerning the source of the contribution(s).

Elected Official shall mean any person who holds a position in the Borough of Lake Como which requires being elected by the voters of the Borough of Lake Como.

Elected Office, except where described more narrowly in this section, shall mean any governmental position which requires being elected by the voters, without regard to whether the Elected Office is within or without the Borough. A candidate for Elected Office shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot, whether in a primary, general, municipal or school board election, for an Elected Office.

Municipal Official or Municipal Employee shall mean any person, other than an Elected Official, who works for or holds a position with the Borough of Lake Como.

Developer, Minor shall mean any individual or Entity who is not a Major Developer, as defined herein, but who makes any application to the Borough of Lake Como's Planning Board for any bulk variance relief, for subdivision of a property into not more than two lots, or for conditional use or minor site plan approval; 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 or is the contract purchaser of, a property located within a designated Redevelopment Area but which property has not been specifically designated as being in need of redevelopment; and in the case of a Minor 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, Major shall mean any individual or Entity who makes any application to the Borough of Lake Como's Planning Board for any subdivision of a property or properties into more than two lots, or for major site plan approval; or any application for any use variance approval; 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, a property located within a designated Redevelopment Area that has been specifically designed by the Borough of Lake Como Planning Boarc as being in need of redevelopment; or who engages directly or indirectly in , negotiations with the Borough relating to, or has in fact entered into a Master or Presumptive Redeveloper's Agreement pursuant to any Redevelopment Plan or 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 Major Developer who is an individual, his or her spouse and any child living at home, and any Entity 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.

Development Matter shall mean any application for development pending before the Borough of Lake Como Planning Board of the Borough, any application or proposal to change the Borough's zoning regulations or Master Plan, or any proposed development pursuant to a Redevelopment Plan, or any Master or Presumptive Redeveloper's Agreement. 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 of Lake Como's Planning Board, or of any application or proposal to change the Borough's zoning regulations or Master Plan, or is the Presumptive of Master Redeveloper, owner or contract purchaser of property located within a designated Redevelopment Area that has been specifically designated by the Borough of Lake Como Planning Board as being in need of redevelopment. 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 subject of an application for redevelopment pending before the Borough of Lake Como Planning Board. 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 Major Developer in connection with the 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 Minor or Major Developer or who has performed professional services for a Minor or Major Developer relating to a Development Matter, and any principal owning not less than a Five Percent (5%) interest in the Entity.

2. Disclosure of Personal Interest.

Any Elected Official, Municipal Official or Municipal Employee who has or may have any interest, directly or indirectly, in any measure, indebtedness or action and who participates in discussion with or given an official opinion of the Mayor and Council of the Borough of Lake Como or to any municipal agency, board or authority with respect thereto shall disclose on the records of the said Mayor and Councilor agency, board or authority the nature and extent of such interest. Such personal interest shall be described in writing and filed with said Borough Administrator and shall be subject to inspection pursuant to the Open Public Records Law.

3. Prohibited Activities

A. No Municipal Official or Municipal Employee shall engage in political activity during his or her hours of duty with respect to any candidate.

B. No Elected Official, Municipal Official or Municipal Employee shall use or permit others to use the facilities of the Borough for the preparation, storage or distribution of campaign material.

C. Nothing in this Chapter shall be construed to prevent an Elected Official from campaigning, or engaging in political activity, at any other time.

D. No Elected Official, Municipal Official or Municipal Employee shall use or permit others to use the facilities of the Borough for the conduct of private business. With the approval of the Mayor and Council Borough of Lake Como, nonprofit public-service and civic organizations shall be allowed to use such Borough facilities as may be deemed appropriate and as may be permitted pursuant to law.

E. No Elected Official, Municipal Official or Municipal Employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Borough, nor shall he/she use such information to advance

the financial or other private interest of himself/herself or others. The Mayor and Council of the Borough of Lake Como may, as it deems appropriate, determine by Resolution what information shall be deemed confidential for the purpose of this subsection.

4. **Ineligibility of Elected Officials To Participate In Or Vote On Specific Matters Involving Certain Campaign**

Contributors.

A. Any Elected Official who has received any Borough Campaign Contribution or Other Elected Office Campaign Contribution from any Minor or Major Developer in exces~ of the limits set forth in this Ordinance hereof shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any Development Matter relating to that Minor or Major Developer.

B. Any Elected Official who has received any Borough Campaign Contribution or Other Elected Office Campaign Contribution from any Development Professional in excess of the limits set forth in this Ordinance hereof, shall be eligible 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.

5. **Borough of Lake Como And County Campaign Contribution Limits Affecting Vendor Eligibility And Conflicts of Interest.**

A. Campaign Contribution limits affecting the eligilibility of Vendors and Professional Vendors, pursuant to Section ll-A to enter into or be paid pursuant to Agreements to Purchase: Goods or Services and Services and Agreements to Purchase Professional Services are as follows:

1. The maximum combined amount of the Borough of Lake Como Campaign Contributions and Other Elected Office Campaign Contributions that may be a Vendor during any calendar year shall not exceed $300.00, and this limit shall include all contributions made to each candidate of Elected Office 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 the Borough of Lake Como Campaign Contributions and other elected Office Campaign Contributions that may be made by a Professional Vendor during any calendar year shall not exceed $0, and this limit shall include all contributions made to each candidate for Elected Office from the same party or campaign ticket and without regard to whether the said candidate maintain a joint campaign account.

3. The maximum amount of County Campaign Contributions that may be made by Vendor or professional Vendor shall not exceed $2,500.00 during any calendar year to each party.

B. Campaign Contribution limits affecting the eligibility of elected officials to participate in or vote on specific matters involving Development Matter Borough Lake Como Alcoholic Beverage Licensees or Other Alcoholic Beverage Licensees, are as follows:

1. Any candidate for Elected Office who received:

   a. a Borough of Lake Como Campaign Contribution in excess of $300.00 from any Minor 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 Minor Developer or Development Professional or Alcoholic Beverage License as provided in this Ordinance.

   b. any Borough of Lake Como Campaign Contribution from any Major Developer shall have a Conflict of Interest, and shall be ineligible to vote or participate in matters relating to the said Maj or Developer as or Alcoholic Beverage License as provided in this Ordinance.

The limits set forth in this Ordinance shall apply jointly to all candidates for any Elected Office for the same party or on the same ticket, unless the said candidates maintain entirely separate election fund accounts, and run entirely uncoordinated campaigns.

6. Contributions Made Prior to the Effective Dates.

Notwithstanding any term contained herein to the contrary, no Campaign Contributions made prior to the enactment of this Ordinance and no Other Elected Office Campaign Contributions made prior to the enactment of this Ordinance, shall be considered in calculating the campaign contribution limits as set forth in this Ordinance. No Elected Official shall be deemed to have a Conflict of Interest based upon Campaign Contributions received during the enactment of this Ordinance, provided that the said Campaign Contributions did not exceed the limit set forth in any state law.

7. Reporting Obligations of Candidates for Elected Office.

A. Each and every candidate for any Elected Office within the Borough of Lake Como, and each Elected Official who is a Candidate for Elected Office shall file with the Borough Administrator a true and correct copy of each and every campaign finance report they are required to file with the New Jersey Elected 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 Elections Law Enforcement Commission.

B. In connection with each campaign report submitted to the Borough Administrator pursuant to subparagraph (a) above, each candidate for any Elected Official shall attach a supplemental certification, on a form to be provided by the Borough Administrator, 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 accounts or election funds and the records of contributions, if any, made to the local political club or committee to which he or she is a member;

2. that the information 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 Borough of Lake Como Campaign Contribution and/or an Other Elected Office Campaign Contribution cumulatively in excess of $300.00 during that calendar year; (2) each and every professional who has contributed in any amount; and (3) each and every 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 or any other Elected Office of the Borough of Lake Como.

8. **Curing Violations; Return of Excess Contributions.**

Any Vendor, Major Developer, Minor Developer, or Development Professional may cure a Campaign Contribution made in excess of the limits set forth in this Ordinance, if, within 30 days after the receipt of the Campaign Contribution, the said Vendor, Major, Developer, Minor Development Professional, or the candidate or Elected Official who originally received the said contribution, notifies the Chief Financial Officer in writing, that it has received a reimbursement of a contribution in excess of that allowed in this Ordinance, and by attaching a true and correst copy of the check received in reinbusement.

SECTION IV.

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

SECTION V.

All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI.

This Ordinance shall take effect immediately upon adoption and publication according to law.