June 4, 2008

TO: Secretary of State

FROM: City Clerk

RE: "Pay to Play" Ordinance

Enclosed please find City of Englewood Ordinance No. 07-31, adopted by the City Council of the City of Englewood, Bergen County, New Jersey, on November 20, 2007.
NOTICE IS HEREBY GIVEN that the following ordi-
nance was introduced at a Regular Formal meeting of
the City Council of the City of Englewood on De-
ember 7, 2027, and then referred to the Planning and
Zoning Committee and will be further considered for final passage at a meeting of the City Council held in the Municipal Building, South Van Houten Street, Englewood, Bergen County, New Jersey, on November 20, 2027 at 8:00 pm or as
soon thereafter as the matter can be heard.

Lenore Schiavelli, RMC/CMC
City Clerk
ORDINANCE NO. 07-31
AN ORDINANCE AUTHORIZING WITHHOLDING OF NO-BID PUBLIC CONTRACTS WITH POLITICAL CONTRIBUTORS (REQUIRING PAY TO PLAY)

HEREAS, it has become common for professional
business entities to make substantial political con-
tributions in order to purchase lucrative contracts, and
WHEREAS, local political contributions from profes-
sionals 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, the City of Englewood endeavors to
ensure transparent government, and
WHEREAS, pursuant to N.J.S.A. 40A:11-5 and
N.J.S.A. 40A:8-2, municipalities have the right to es-
ablish rules and procedures for contracts involving
political business entities; and
WHEREAS, pursuant to P.L. 2005, c.271, a muni-
cipality is authorized to adopt by ordinance measures
limiting the awarding of public contracts to business
entities that have made political contributions and
limiting the contributions that holders of a contract
may make during the term of a contract; 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

NOW, THEREFORE, BE IT ORDAINED by the City
Council of the City of Englewood, Bergen County,
New Jersey, that the public policy of the City of
Englewood shall refuse public profession contracts to profes-
sional service providers who knowingly make sub-
stantial political contributions, in the expectation of being considered for a no-bid
contract in excess of $175,000.00; and

BE IT FURTHER ORDAINED, that Chapter 3 of the
Revised General Ordinances of the City of Englewood, as
amended and supplemented with new Article 3.5
Withholding of No-Bid Public Contracts with Political
Contributors, as read in full as follows:

SECTION 1. PROHIBITION ON AWARDING
PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

(a) Any other provision of law to the con-
trary notwithstanding, the City, any of its purchasing
agents or agencies, its statutory boards and its
independent authorities, as they may be,
shall not award a contract or otherwise
award a benefit to any professional service
provider who has made a contribution of
$175,000.00 or more to any political
campaign or any political committee
in an independent expenditure or other
kind of contribution, in the aggregate,
for the purpose of purchasing a public
contract, through a no-bid process, other
than as otherwise approved by the City
Council.

(b) No professional business entity or vendor
that submitted a proposal to the City or any department or
agency thereof, its statutory boards, or its
independent authorities, for the rendition of
professional, technical, or similar services, shall know-
ingly make or contribute any contribution of
money

SECTION 5. PENALTY

(a) All City professional service agreements shall
provide that it shall be a breach of the terms of
the governing contract for a professional busi-
ness entity to violate Section 1 or knowingly
conceal or misrepresent contributions given or
received, or to make or solicit contributions
through intermediaries for the purpose of con-
cealing or misrepresenting the source of the
contributions.

(b) Any professional business entity which or who
knowingly fails to make a contribution made
violation of this Ordinance, or who knowingly
makes or solicits contributions through interme-
diaries for the purpose of concealing or misre-
presenting the source of the contribution shall
be disqualified from eligibility for future City
contracts for a period of four (4) calendar years
from the date of the violation.

SECTION 6. If any sentence, paragraph or section of
this Ordinance, or the application thereof to any per-
sons 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 judg-
ment or action shall not affect, impair or void the
remainder of this Ordinance.

SECTION 7. All ordinances, codes or parts thereof
that are inconsistent with this Ordinance are repealed
or otherwise modified.

SECTION 8. This Ordinance shall take effect immedi-
ately upon final passage and publication as required
by law.

#318
Press-Journal
November 8, 2007
Fee: $270.08

CITY OF ENGLEWOOD
ORDINANCE NO. 07-31
AN ORDINANCE AUTHORIZING WITHHOLDING OF NO-BID PUBLIC CONTRACTS FROM POLITICAL CONTRIBUTORS (Restricting Pay to Play)