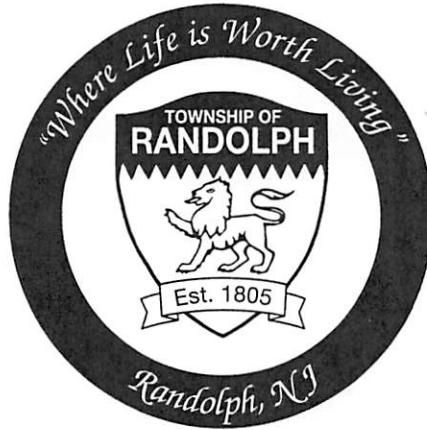


Mayor
Michael Guadagno

Deputy Mayor
Thomas MacArthur

Council Members
James Loveys
Trina Ruane Mitsch
Allen M. Napoliello
Michael Obremski
Joanne Veech



Township Manager
John C. Lovell

Township Clerk
Donna Marie Luciani

Telephone (973) 989-7100
FAX (973) 989-7076

502 Millbrook Avenue
Randolph, N.J. 07869-3799
Website: www.randolphnj.org

January 3, 2012

Office of the Secretary of State

NJ Department of State
225 W. State Street
P.O. Box 300
Trenton, NJ 08625

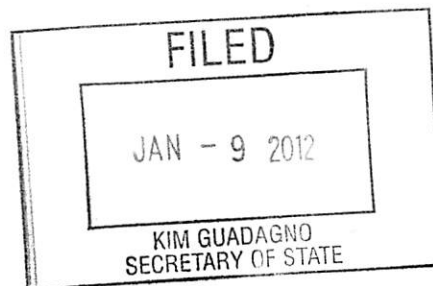
SUBJECT: Pay to Play Ordinance

Enclosed please find two certified copies of Ordinance No. 20-11 which was adopted by the Randolph Township Council on November 3, 2011. Please date stamp one certified copy received and return to this office for filing.

Sincerely,


Donna Luciani
Township Clerk

Certified Mail



ORDINANCE NO. 20-11

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES CERTAIN POLITICAL CONTRIBUTIONS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP OF RANDOLPH

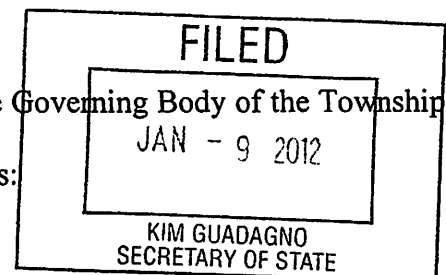
WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality 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 the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the Township of Randolph desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections; and

WHEREAS, the Township of Randolph desires to create such a regulation which states that a Business Entity which makes certain political contributions shall be limited in its ability to receive public contracts from the Township of Randolph.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Randolph, County of Morris, State of New Jersey as follows:



SECTION ONE. Article I, In General, of Chapter 2, Administration, of the Revised Ordinances of the Township of Randolph, Morris County, New Jersey is hereby amended by the addition of the following:

Sec. 2-4. DEFINITIONS

Business entity means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

Interest means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

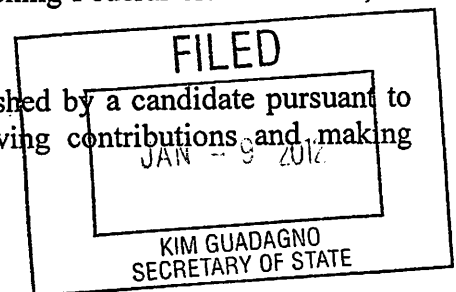
Fair and open process means, at a minimum, that the contract shall be: publicly advertised in newspapers or on the Internet website maintained by the Township in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the Township prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. The decision of the Township as to what constitutes a fair and open process shall be final.

Candidate means:

1. An individual seeking election to a public office of this State or of a county, municipality or school or fire district at any election;
2. An individual who shall have been elected or failed of election to an office, other than a party office, for which he or she sought election and who receives contributions and makes expenditures for any of the purposes authorized by N.J.S.A. 19:44A-11.2; and
3. An individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs 1 and 2 above.

This definition does not include an individual seeking Federal elective office, or State, county or municipal political party office.

Candidate committee means a committee established by a candidate pursuant to N.J.S.A. 19:44A-9(a) for the purpose of receiving contributions and making expenditures.



Contribution includes every loan, gift, subscription, advance or transfer of money or other thing of value, including any in-kind contribution, made to or on behalf of any candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and any pledge or other commitment or assumption of liability to make such transfer. For purposes of this Ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed. Funds or other benefits received solely for the purpose of determining whether an individual should become a candidate are contributions.

Election means any election in which a public question is to be voted upon by the voters of the State or any political subdivision thereof; and any election for any public office of the State or any political subdivision thereof. It does not include Federal elective office, or State, county or municipal political party office.

Sec. 2-5. PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

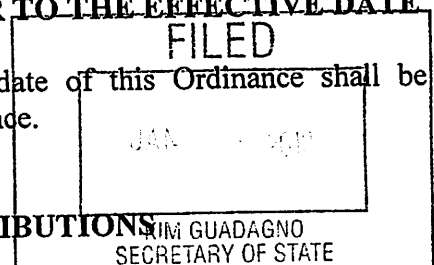
(a) The Township shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the Township, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one year period, that business entity has made a contribution that is reportable by the recipient under N.J.S.A. 19:44A-1 et seq. to any municipal committee of a political party in the Township if a member of that political party is serving in an elective public office of the Township when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Township when the contract is awarded.

(b) A business entity that has entered into a contract having an anticipated value in excess of \$17,500 with the Township, except a contract that is awarded pursuant to a fair and open process, shall not make a contribution reportable by the recipient under N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party in the Township if a member of that political party is serving in an elective public office of the Township when the contract is awarded or to any candidate committee of any person serving in an elective public office of the Township when the contract is awarded, during the term of the contract.

Sec. 2-6. CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No contribution made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

Sec. 2-7. LIST OF REPORTABLE CONTRIBUTIONS



Prior to awarding any contract, except a contract that is awarded pursuant to a fair and open process, the Township require the business entity to which the contract is to be awarded to provide a written certification that it has not made a contribution that would bar the award of a contract pursuant to the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq.

Sec. 2-8. RETURN OF EXCESS CONTRIBUTIONS

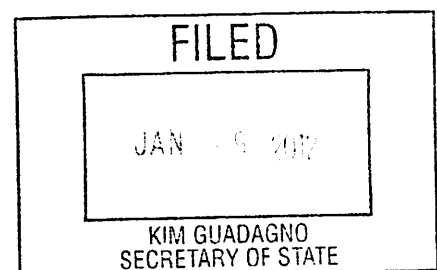
A business entity that is a party to a contract with the Township may cure a violation of Section 1 of this Ordinance, if, within 60 days after the date on which the applicable ELEC report is published, said business entity notifies the Township in writing and seeks and receives reimbursement of the contribution from the recipient of such contribution.

Sec. 2-9. COMPLIANCE WITH STATUTES AND REGULATIONS

Compliance with this Ordinance shall not relieve a business entity of its obligations to comply with the provisions of the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. and any other related statutory or regulatory provisions.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.



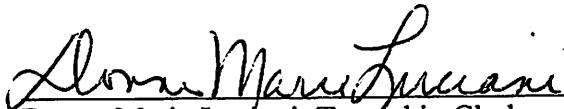
SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. A copy of this Ordinance shall be filed with the Secretary of State.

SECTION SIX. This Ordinance shall take effect 20 days after passage and publication as provided by law.

ATTEST

TOWNSHIP OF RANDOLPH



Donna Marie Luciani, Township Clerk



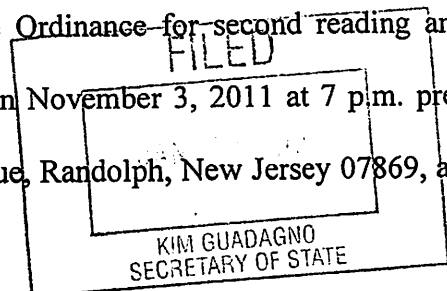
Trina Ruane Mitsch, Mayor

LEGAL NOTICE

TOWNSHIP OF RANDOLPH COUNTY OF MORRIS

ORDINANCE NO. 20-11

Notice is hereby given that an Ordinance entitled "An Ordinance Establishing That A Business Entity Which Makes Certain Political Contributions Shall Be Limited In Its Ability To Receive Public Contracts From The Township Of Randolph" was submitted in writing at a regular meeting of the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, held on October 4, 2011 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The Governing Body of the Township of Randolph will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on November 3, 2011 at 7 p.m. prevailing time, at the Municipal Building, 502 Millbrook Avenue, Randolph, New Jersey 07869, at which

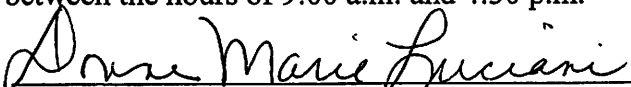


time and place a public hearing will be heard thereon by the Governing Body and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

Statement of Purpose of Ordinance

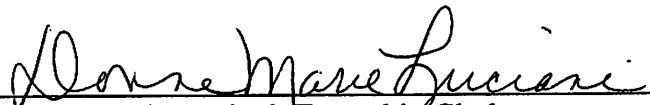
The purpose of the above Ordinance is to limit the ability of a business entity which makes certain political contributions to receive public contracts from the Township of Randolph.

A copy of the full Ordinance is available to any member of the general public, without cost, at the Township of Randolph, Municipal Building, Millbrook Avenue, Randolph, New Jersey, at the Office of the Township Clerk, between the hours of 9:00 a.m. and 4:30 p.m.


Donna Marie Luciani, Township Clerk
Township of Randolph
County of Morris, State of New Jersey

CERTIFICATION

I, Donna Marie Luciani, Township Clerk, Township of Randolph, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Randolph Township Council held on October 4, 2011 and adopted by the Governing Body at a regular meeting of the Township held on November 3, 2011.


Donna Marie Luciani, Township Clerk

