FILED

JAN 19 2006

SECRETARY OF STATE

RESOLUTION NO. 6-2006

RESOLUTION SUPPLEMENTING THE MORRISTOWN PARKING AUTHORITY'S GIFT POLICY, ADOPTED JANUARY 6, 1998, AND IMPOSING LIMITATIONS UPON CONTRIBUTIONS BY PROFESSIONAL SERVICES VENDORS TO LOCAL ELECTED OFFICIALS

WHEREAS, professional services contracts are exempt from public bidding requirements; and

WHEREAS, professional services contracts include but are not limited to attorneys, engineers, insurance contractors, surveyors, insurance brokers and appraisers; and

WHEREAS, it has become common for professionals who provide services to municipalities to make political contributions to the election campaigns of local government elective officials who ultimately are responsible for awarding professional services contracts; and

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

WHEREAS, the New Jersey Legislature has recognized that professional services contracts are exempt from public bidding because there is a necessary trust, loyalty, and confidence to be brought to the relationship between professionals and the local governments or agencies that are served by the professionals; and

WHEREAS, local governing bodies and agencies need to have faith and trust in the professional services that are rendered, which can be destroyed through the competitive bidding process; and

WHEREAS, the Parking Authority must frequently engage various consultants and vendors with respect to ongoing business and development projects; and

WHEREAS, the Parking Authority is subject to the provisions of the Open Public Contracts Law and, pursuant to N.J.S.A. 40:11A-5, has the power to establish rules and procedures for contracting with professional business entities; and

WHEREAS, any vendors, professionals, or consultants awarded contracts with the Parking Authority are subject to the provisions of N.J.S.A. 19:44A-20.5, which imposes limitations upon political contributions by such vendors, professionals or consultants; and

WHEREAS, the Parking Authority has established a Gift Policy, adopted on January 6, 1998, which prohibits its Board of Commissioners, Administration and Counsel from soliciting or receiving gifts or compensation from any person doing business or seeking to do business with the Parking Authority; and

WHEREAS, although the members of the Board of Commissioners, Administration, or Counsel of the Parking Authority are not elected officials and, therefore, do not solicit or receive political campaign contributions in connection with their positions, the elected officials of the Town of Morristown are in a position in which some influence could be exercised over the Board of Commissioners of the Parking Authority

NOW THEREFORE, BE IT RESOLVED, that the policy of the Morristown Parking Authority will be to set maximum amounts that professionals who are under contract with or who seek to contract with the Town of Morristown may contribute to political campaigns, beyond which they will become ineligible to receive a public professional services contracts from the Morristown Parking Authority, pursuant to N.J.S.A. 19:44A-20.5, and the specific terms and conditions set forth herein.

(a) The Morristown Parking Authority shall not enter into an agreement for professional services with any individual or professional business entity if that individual or business entity has made any contribution of money or pledge of a contribution, including in-kind contributions, to a campaign of any candidate for Mayor or Council for the Town of Morristown in excess of $300 toward the campaign of any candidate for Mayor and/or Council within the year preceding the date of entry of such agreement.

(b) No professional business entity which enters into negotiations for, or agrees to, any contract with the Morristown Parking Authority to provide professional services shall knowingly make contributions of money or pledge of a contribution, including in-kind contributions, to any candidate for or holder of the office of Mayor or Council for the Town of Morristown in excess of the amounts set forth in section (a).

(c) "professional business entity" shall include any individual, including such individual's spouse and children residing at the same address; person; firm; corporation; partnership; organization; or association; and shall include all

principles who own 10% or more of the equity in the business entity, partners, and officers of the business entity, and any subsidiaries or affiliates controlled by the business entity.

(d) No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for or holder of the office of Mayor or Council of the Town of Morristown prior to January 1, 2006 shall be deemed to disqualify any individual or business entity currently under a professional services agreement with the Parking Authority.

(e) All Parking Authority professional services agreements entered after the effective date of this Resolution shall provide that the individual or professional business entity certifies that it has not made any political campaign contributions to any candidate for or holder of the office of Mayor or Council for the Town of Morristown that would violate N.J.S.A. 19:44A-20.5, and that knowingly concealing or misrepresenting such contributions, or any other violation of this Resolution, shall constitute a breach of the agreement.

(f) In the event that any individual or business entity under an agreement with the Parking Authority is questioned with respect to any contribution potentially in violation of this Resolution and, as a result, the individual or business entity requests that the contribution be returned by the campaign committee or candidate, such action may, in the discretion of the Parking Authority, suffice to cure any breach of the agreement in violation of section (e).

I hereby certify the above to be a true copy of a Resolution adopted by the Parking Authority of the Town of Morristown this 10th day of January, 2006.

DATED: January 10, 2006

Theresa Pattiste Steede