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NINA MITCHELL WELLS
SECRETARY OF STATE

Certified to be a true copy
of Ordinance No. 1892-06
adopted on June 7, 2006

Kathleen S. Norcia
Municipal Clerk
Date: July 3, 2006

Township of Lawrence
County of Mercer

Ordinance No. 1892-06

ORDINANCE SUPPLEMENTING THE CODE OF ORDINANCES, LAWRENCE TOWNSHIP, NEW JERSEY, ORDINANCE NO. 1817-04 PROHIBITING AWARDING REDEVELOPMENT AGREEMENTS TO CONTRIBUTORS TO POLITICAL CAMPAIGNS

WHEREAS, the *New Jersey Local Redevelopment and Housing Law*, NJ.S.A. 40A:12A-1 *et seq.*, permits the awarding of redevelopment agreements for redevelopment projects, without competitive public bidding; and

WHEREAS, redevelopers and business entities can make contributions to the election campaigns of the local government officials who are ultimately responsible forwarding the redevelopment agreements and

WHEREAS, openness in government and a fair and impartial negotiation and performance of any redevelopment agreement is essential to assuring and maintaining the integrity of the redevelopment process; and

WHEREAS, the Township has previously adopted an ordinance concerning limiting campaign contributions in the awarding of professional services contracts;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lawrence, in the County of Mercer and State of New Jersey, that *Ordinance No. 1817-04* of the Township of Lawrence is hereby supplemented, and that now the policy of the Township of Lawrence will be to preclude a redeveloper from contributing to political campaigns if that entity desires to be eligible to receive a redevelopment agreement for a redevelopment project, unless such project is to be awarded on the basis of competitive bidding.

Section 1. Prohibition on Awarding Public Redevelopment Agreements to Contributors of Political Campaigns.

Prohibition; Definitions.

(a) Any other provision of law to the contrary notwithstanding, the Township, or the Township's Redevelopment Agency, as the case maybe, shall not enter into a redevelopment agreement, or otherwise contract with any redeveloper concerning the redevelopment of any area within the Township pursuant to the *Local Redevelopment and Housing Law*, N.J.S.A. *40A:12A-1 et seq.*, as same may be amended, if that redeveloper has made or solicited any contribution of money, loans of any kind, pledge of a contribution, including in-kind contributions, to a municipal campaign committee or fund of any candidate for, or holder of, public office within the Township having responsibility for entering into or awarding a redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township or to any Lawrence Township municipal or County party

committee, continuing political committee, candidate committee or to any political action committee which [*regularly* is omitted] engages in the support of Township municipal elections and/or Township municipal parties or which engages in the support of Township municipal campaigns (PAC), within two (2) calendar year immediately preceding the date of the redevelopment agreement and for two (2) years after the completion of the redevelopment project.

(b) All redevelopment agreements or amendments thereto entered into by the Township or the Township's Redevelopment Agency, as the case may be, shall contain a provision prohibiting redevelopers as defined in subsection (c) from soliciting or making any contributions of money or pledge of a contribution, including in-kind contributions, and loans of any kind, to a campaign committee of any Township candidate or holder of public office within the Township having responsibility for arranging, entering into or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township, or to any Township political campaign committee or to any Township or County party, committee, to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of municipal campaigns (PAC), from the time of first communication between the redeveloper and the Township regarding a specific redevelopment project and the later of the termination of negotiations or the completion of the terms of the redevelopment agreement.

(c) The term "redeveloper" as used in this article shall include the definition set forth in N.J.S.A. *40A:12A-3, Definitions.* The term "redeveloper" shall also include all "sub-developers" who are under contract with a redeveloper to perform redevelopment or rehabilitation work at any redevelopment project within the Township. Furthermore, the definition of "redeveloper shall include the corporation, business trust or other entity that is performing the redevelopment project within the Township, as well as all partners and/or officers therein, and all principals who own ten (10%) percent or more of the equity in the corporation, business trust or other entity as well as any subsidiaries owned or controlled by the redeveloper.

(d). The term "redevelopment project" shall include the definition set forth in N.J.S.A. *40A:12A-3*, Definitions.

Section 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 the municipal campaign committee or fund of any Township municipal candidate or office holder, or any Township municipal or County party committee, shall be deemed a violation of this article, nor shall an agreement for a redevelopment project of any kind whatsoever be disqualified thereby, if the contribution was made by the redeveloper prior to the effective date of this section.

Section 3. **Contribution statement by redeveloper; reporting,**

(a) Prior to arranging, entering into or approving a redevelopment agreement with any redeveloper, the Township or the Township's Redevelopment Agency as the case may be, shall receive a certification from the redeveloper that the redeveloper has not made any contributions in violation of this article.

(b) The redeveloper shall have a continuing duty to report any violations of this article that may occur during the negotiation or duration of the redevelopment agreement and until all specified terms of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the redevelopment agreement with the Township, or the Redevelopment Agency, as the case maybe, and shall be in addition to any other certifications that may be required by any other provision of law.

(c) (i) An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the Contribution Disclosure Statements specified in paragraph "(d)" of this section be submitted by the applicant for all applications to Township legislative or administrative authorities for approvals within the subject matter of this ordinance.

(ii) The municipal planning board shall amend its Application Checklist for applications for site plan and subdivision approvals within the scope of this ordinance to include required submission of the Contribution Disclosure Statements specified in paragraph (d) of this section.

(iii) An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements are submitted.

(d) The term "Contribution Disclosure Statement" means a list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidate committee, political committee, continuing political committee or political party committee of, or within Mercer County, made up to two years prior to filing the redevelopment or variance application, and/or (2) years after the completion of the redevelopment project.

Section 4. **Return of contributions.**

A redeveloper may cure a violation of this article if, within thirty (30) days after a general election, the redeveloper notifies the Town Council in writing and seeks and receives reimbursement of a contribution from the municipal committee or fund of a Lawrence Township candidate or office holder, any Lawrence Township municipal or County party committee.

Section 5. Penalty

(a) It shall be a breach of the terms of a Township redevelopment agreement for a redeveloper to (i) make or solicit a contribution in violation of this article; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution: (iv) make or solicit any contribution on the condition or with the agreement that will be contributed to a campaign committee of any candidate or holder of the public office of the Township;(v) engage or employ a lobbyist or consultant with the intent or understand that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this article; (vi) fund contributions made by third parties (including but not limited to subcontractors, consultants, attorneys, family members and employees: (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly, indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this article.

(b) Any redeveloper who knowingly and intentionally violates the terms of subsection (a) shall be disqualified from eligibility for any future redevelopment agreements with the Township for a period of four (4) calendar years from the date of the violation.

Section 6. Severability.

If any provision of this article, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this article to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this article are severable.

Section 7. Conflict

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 8. Effective

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

Adopted: June 7, 2006