FILED
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NINA MITCHELL WELLS
SECRETARY OF STATE

BOROUGH OF SEA BRIGHT
ORDINANCE NO.16-2004
AN ORDINANCE AMENDING THE CODE OF SEA BRIGHT TO INCLUDE DISCLOSURE OF POLITICAL CONTRIBUTIONS BY PROFESSIONAL SERVICES CONTRACT RECIPIENTS

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

WHEREAS, recipients of professional service contracts can lawfully make political contributions to the election campaigns of the local government officers who when elected, are responsible for awarding professional service contracts; and

WHEREAS, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise concerns about the process of local government awarding professional services contracts and the quality and cost of services received; and

WHEREAS, N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional entities:

NOW THEREFORE, BE IT ORDAINED that the Borough of Sea Bright hereby requires the recipients of professional services contracts to disclose contributions in excess of $200.00 to candidates for, or holders of, public office within the Borough.

SECTION I
Disclosure Requirement

a. Any provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities shall not enter into an agreement or otherwise contract to procure services for professional services as defined by statute, from any professional that has not filed the disclosure form with the Municipal Clerk. The disclosure form shall set forth contributions in excess of $200.00 to a campaign committee or candidate for office within the municipality or to any municipal party committee within one calendar year immediately preceding the date of the contract or agreement.

b. For purposes of this ordinance, a "professional business entity" seeking a public contract means a person, firm, corporation, professional corporation, partnership, organization or association authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a particular field. The definition shall include all principals who own 10% or more equity in the corporation or business trust, partners and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity. The definition shall also include any spouse or child living at home, of a principal.

SECTION II
Contributions Made Prior to the Effective Date.

a. Prior to awarding any contract or agreement to procure professional services in excess of $5,000.00 with any professional business entity, the Borough or any of its

purchasing agencies shall require a signed disclosure form from the professional made under penalty of perjury, that the professional has disclosed contributions consistent with this Ordinance.

b. The certification required under this section shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provision of law. The professional business entity shall have a continuing duty to report contributions under this Ordinance that may occur subsequent to the execution of the disclosure form.

SECTION III
Penalty

a. All Borough of Sea Bright professional service agreements shall provide that it shall be a breach of the terms of the government contract for the professional to violate this Ordinance.

SECTION IV
Severability

If any provision of this law, or the application of this law towards any such professional or person under any circumstances shall be held invalid, the remainder of this law, to the extent it can be given effect, shall not be affected thereby and to this extent the provisions of this law are severable.

SECTION V
Effective Date

This Ordinance shall become effective after final adoption and publication thereof according to law and shall take effect immediately upon its enactment.

INTRODUCED: August 3, 2004
PASSED : August 17, 2004
ADOPTED : August 17, 2004

I hereby approve the adoption of this Ordinance this 17th day of August, 2004.

Maryann M. Smeltzer

MARYANN M. SMELTZER, R.M.C.
MUNICIPAL CLERK

Jo-Ann Kalaka-Adams

HONORABLE JO-ANN KALAKA-ADAMS
MAYOR