

# LOCAL FINANCE NOTICE

JAMES E. MCGREEVEY  
GOVERNOR

SUSAN BASS LEVIN  
COMMISSIONER

MATTHEW U. WATKINS  
DIRECTOR

## LOCAL GOVERNMENT ETHICS LAW 2003 Financial Disclosure Statements

### Introduction

The Local Government Ethics Law requires the annual filing of a Financial Disclosure Statement by local government officers. The Local Finance Board (Board) promulgated the enclosed Financial Disclosure Statement form. This form shall continue to be used unless otherwise notified.

All local government officers serving a local government during any portion of the calendar year are required to file a statement for that year. Persons who become local government officers after the April 30 filing deadline should file a Statement within 30 days of accepting the position. For example, if an official takes office in July of 2003, that person would be required to file a 2003 Financial Disclosure Statement. The officer supplies the required information in Section II of the form that is based on the previous calendar year, 2002, even though the officer did not serve during 2002.

### Distribution of Financial Disclosure Statement Forms

Municipal and County Clerks are responsible for transmitting the Financial Disclosure Statement forms to local government officers, in accordance with N.J.S.A. 40A:9-22.6. For purposes of this statute, officers and employees serving independent local authorities are deemed to be serving the local government. In Attorney General Opinion #91-0093, the Office of the Attorney General has determined that the term "independent authorities" encompasses most autonomous local authorities and special tax districts. This includes fire districts. Thus, the clerk also makes distribution to independent local authorities and fire districts.

However, if your municipality or county has established an ethics board, the forms will be transmitted to that board for distribution. In such instances, ethics boards are required to make the forms available to local government officers within their jurisdiction. Once the Board is aware of the establishment of a local board, future correspondence will be sent directly to them. Therefore, please keep the Board apprised of the status of a local ethics board.

## **Determining Local Government Officers Required to File**

While the Ethics Law applies to all employees and officers of local governments, the financial disclosure requirement applies only to local government officers as defined in N.J.S.A. 40A:9-22.3g., which states in pertinent part:

.... any person, whether compensated or not, whether part-time or full-time:

- (1) elected to any office of a local government agency;
- (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances;
- (3) who is a member of an independent municipal, county or regional authority; or
- (4) who is a managerial executive or confidential employee of a local government agency, as defined in Section 3 of the "New Jersey Employer-Employee Relations Act," P.L. 1941, c.100 (C.34:13A-3), but shall not mean any employee of a school district or member of a school board.

The Office of the Attorney General has issued various opinions that give advice as to the type of positions that are considered "local government officers." Neither the Board nor the Attorney General's Office is in a position to examine every local position or body in the State that is created by ordinance and determine whether or not it is subject to filing requirements. These determinations, to a large extent, are fact sensitive and must be determined on a case-by-case basis by each local government. It is recommended to consult with the local attorney to make the determinations.

## **Where Local Government Officers File**

In order to facilitate filing with the Board, the local government clerks or local ethics board secretaries are again being asked to forward all copies of forms which are filed with their office to the Board periodically. The form instructs the filer to provide the clerk with two signed copies of their completed form. When these are received, please retain the original for your file and forward the original signed copy to the Board. It would also be helpful if you could forward them in batches weekly, rather than as the individual forms are submitted.

## **Instruct Municipal/County Local Government Officers To File The Financial Disclosure Statement Forms With Your Office. This Includes Local Authority And Fire District Officers.**

In counties or municipalities that have established local ethics boards, a copy of the statement shall also be filed with the ethics board having jurisdiction over the local government officer.

Regional authorities and county colleges should designate a person to serve as the holder of public records, who can coordinate the filing for their entity in the manner previously described, including retaining the original file for public access.

Clerks, local ethics board secretaries, regional authority designees, and county college designees are to forward copies of the forms received to:

**Matthew U. Watkins, Chair**  
**Local Finance Board**  
**P.O. Box 803**  
**Trenton, New Jersey 08625-0803**

## **Filing Status**

Finally, once the filing deadline has passed, it is requested that you forward a list to the Board containing the following information:

Name of each person deemed to be a local government officer  
Title/agency served  
Filing status

This information is vital to the Board's effective administration of the Local Government Ethics Law. Refusal to file a Financial Disclosure Statement is a violation of the Law, and the Board is prepared to take the necessary action to bring officers into compliance. A roster form is enclosed for your convenience. Please return the completed roster form by June 1, 2003.

## **Other Information**

### Statement available at Web site:

The Financial Disclosure Statement form may be downloaded from the Division of Local Government Services' web site. Select ETHICS from the main page. The address is: [www.nj.gov/dca/lgs/](http://www.nj.gov/dca/lgs/).

### County Colleges:

Officers and employees of the county colleges are under the jurisdiction of the Local Finance Board (Board) in the Division of Local Government Services, Department of Community Affairs, for the purposes of compliance with the provisions of the Local Government Ethics Law.

The Board is distributing blank copies of the Financial Disclosure Statements to the office of the president of the county colleges who should, in turn, transmit forms to county college local government officers, in accordance with N.J.S.A. 40A:9-22.6. All copies of forms that are filed with their office should be submitted to the Board periodically. County colleges should retain the original for their file and forward the original signed copy to the Board as previously described.

### Filing Deadline: **ON or BEFORE APRIL 30**

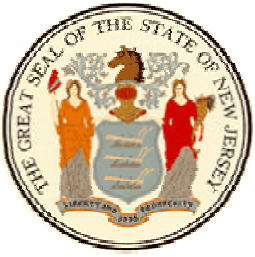
Year: The filing year is the year in which you serve, thus **2003** should be indicated above Section I on the form.

Public Records: Financial Disclosure Statements are considered public records.

Questions: Please e-mail us at [dlgs@dca.state.nj.us](mailto:dlgs@dca.state.nj.us) or call (609) 292-0479. If no one is available to answer your call, please leave a message on the answering machine. Due to the heavy volume of inquiries, we may be unable to answer all calls immediately. However, staff will return calls as soon as possible.

Distribution: Municipal and County Clerks  
Regional Authority Board Secretaries  
Local Ethics Board Secretaries  
County College Presidents

Enclosures



State of New Jersey  
Department of Community Affairs  
Division of Local Government Services  
Local Finance Board



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## *Local Government Ethics Law* **Financial Disclosure Statement**

*Financial Disclosure Statement must be filed by April 30<sup>th</sup> each year.*

**IMPORTANT – BEFORE COMPLETING THIS FORM, READ DEFINITIONS AND INSTRUCTIONS!**

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### **DEFINITIONS AND INSTRUCTIONS**

Requirements concerning the filing of this form are found in N.J.S.A. 40A:9-22.1 et seq.

#### **DEFINITIONS**

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity;

"Governing body" means, in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a county, the board of chosen freeholders, or , in the case of a county having adopted the provisions of the "Optional County Charter Law," P.L. 1972, c. 154 (C.40:41A-1 et seq.), as defined in the form of government adopted by the county under the act;

"Interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union;

"Local government agency" means any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board;

"Local government employee" means any person whether compensated or not, whether part-time or full-time employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;

"Local government officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances; (3) who is a member of an independent municipal, county, or regional authority; or (4) who is a managerial executive or confidential employee of a local government agency, as defined in section 3 of the "New Jersey Employer-Employee Relations Act," P.L. 1941, c. 100 (C. 34:13A-3), but shall not mean any employee of a school district or member of a school board;

"Local government officer or employee" means a local government officer or a local government employee;

"Member of immediate family" means the spouse or dependent child of a local government officer or employee residing in the same household.

# INSTRUCTIONS

This form must be filed annually by all local government officers. Forms must be obtained from the municipal clerk if you serve a municipal government or the county clerk if you serve a county government. Other entities will receive their forms from the Local Finance Board.

Please provide the information based on your prior calendar year financial information. In addition, definitions used in the Local Government Ethics Law necessary to complete this form are printed above. The phrases that are defined appear in italics throughout the form. Most of the information requested is self-explanatory, however, some particular points are clarified below.

## Section I. Personal Information- Local Government Officer

### Local Government Served

Please list the municipality or county you serve. If you serve a county, leave the municipality blank. Do not fill in the name of the municipality you live in unless it is the same name as the municipality you serve. If you serve a regional authority or other local government, please list that name under "other." An example would be a Regional Sewerage Authority.

### Positions Held

Position held refers to your title as a local government officer or employee.

If you hold more than one position which qualifies you to complete this form, please list the municipal/county agency, title and term for each position, such as, council member, municipal sewerage authority member, and planning board member. If you serve at different levels of local government such as regional authority, county, and municipal government, you must file separate forms with each entity. An example would be city council and board of freeholders. You may list both positions on one form if you serve at different levels, however, the form must be filed in each local government.

If you hold more than one position, but it is for the same municipality or county, only one form must be completed and filed. An example would be city council, planning board, and municipal authority. As a point of further clarification, local government officers and employees serving municipal or county authorities are deemed to be serving the municipality or county respectively for purposes of this act. Thus, authority officers must file with their local government and Local Finance Board.

## Section II. Financial Information

Complete this section based on information for the prior calendar year.

Information is to be provided for the person filing and members of the immediate family based on the definition above. Fill in each line and check the appropriate box for yourself, your spouse or a dependent. If a dependent's source is indicated, fill in that dependent's name in the space provided.

If you require more room for any of the sources requested in A through E, please use Extension Forms, as necessary.

### Sources of Income

Consider as income, all sources required to be reported to the New Jersey Division of Taxation for income tax purposes. Earned and unearned income is to be reported. Earned income is that received for one's labor or services such as salaries and wages. Unearned income is monetary compensation received where no labor or services are exchanged, such as social security, pension, interest income or rental property income. The threshold applies to each source whose gross amount is over \$2,000. If you are in business for yourself, please list only the name of the business and not individual clients.

### Fees and Honorariums

List each source of fees and honorariums received by the local government officer or family member for any purpose. This would include those received as a result of the public office and those received as a result of personal business.

### Sources of Gifts, Reimbursements, or Prepaid Expenses

Sources must be listed, excluding gifts made by relatives. Examples may include mileage reimbursement, hotel and meal expenses, travel expenses, vacations, etc. This includes amounts received as a result of the public office and those received as a result of personal business.

### Business Organizations

List when more than 10% of profits, assets, or stocks are held by you or members of the immediate family.

Please include additional information in Section F. as needed to clarify data provided or indicate information not requested that you believe is pertinent.

## Section III. Certification

Please read the certification statement, date and sign in the space provided. Signatures must be original on all copies required to be filed. Please do not make copies of this form after it has been signed. Make the copies, then sign each one with an original signature.

### Filing

#### Municipal Local Government Officers

File the original and one copy with original signature with the municipal clerk. If a local ethics board has been established, a copy of the Financial Disclosure Statement must also be filed with the local ethics board.

#### County Local Government Officers

File the original and one copy with original signature with the county clerk. If a local ethics board has been established, a copy of the Financial Disclosure Statement must also be filed with the local ethics board.

Members of municipal or county authorities serving only one municipality or county must file with the municipal clerk if a municipal authority and the county clerk if a county authority.

**Do not file directly with the Local Finance Board.** To facilitate the filing, the clerks will forward all completed forms to the Board.

#### Regional Authority and County College Officers

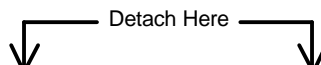
File directly with the Local Finance Board and the authority or college only. Send to:

Chairperson  
Local Finance Board  
P.O. Box 803  
Trenton, New Jersey 08625

**Filing Deadline- April 30<sup>th</sup> each year.**

### Questions

If you have any questions regarding the completion of this form, please contact the Local Finance Board at (609)292-0479.



Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

(for DLGS use only)  
Municode: \_\_\_\_\_

State of New Jersey  
Department of Community Affairs

## Local Government Ethics Law Financial Disclosure Statement

Division of Local Government Services  
Local Finance Board

*This Financial Disclosure Statement is required annually of all local government officers  
in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.*

**Year of Service: 2003**

**(Please Type or Print)**

**Section I. Personal Information- Local Government Officer**

Local Government Served  
Municipality: \_\_\_\_\_ County: \_\_\_\_\_ Other: \_\_\_\_\_

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Spouse's  
First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Home Address: \_\_\_\_\_  
(optional) \_\_\_\_\_  
\_\_\_\_\_

Telephone Numbers (optional)

Home: \_\_\_\_\_  
Business: \_\_\_\_\_

	<i>Agency</i>	<i>Position Held</i>	<i>Term Expires (if applicable)</i>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

**Section II. Financial Information**

**Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.**

A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

	Name	Address	Self	Spouse	Dependent Name
1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

	Name	Address	Self	Spouse	Dependent Name
1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle: \_\_\_\_\_

(for DLGS use only)  
Municode: \_\_\_\_\_

State of New Jersey  
Department of Community Affairs

**Local Government Ethics Law  
Financial Disclosure Statement**

Division of Local Government Services  
Local Finance Board

**Section II. Financial Information- continued**

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives.

	Name	Address	Self	Spouse	Dependent Name
1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

D. List the name and address of all *business organizations* in which an interest was held.

	Name	Address	Self	Spouse	Dependent Name
1.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

	Municipality	County	Block	Lot	Address (if applicable)	% of Ownership	Self	Spouse	Dependent Name
1.	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
2.	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
3.	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
4.	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
5.	_____	_____	_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	_____

F. Please add any other information you believe is necessary to complete this form.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section III. Certification**

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, together with any and all statements previously submitted in writing to the clerk of my local government or the Local Finance Board, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

\_\_\_\_\_ Date

\_\_\_\_\_  
Signature of *Local Government Officer*  
(Original Signature)