



**COUNTY OF BERGEN**  
**OFFICE OF THE COUNTY COUNSEL**  
One Bergen County Plaza, Room 580, Hackensack, NJ 07601-7076  
(201) 336-6950 • Fax (201) 336-6966

**Julien X. Neals**  
*County Counsel*

**John P. Libretti**  
*Deputy County Counsel*

*Assistant County Counsel*

Kevin Funabashi  
Janine S. Colletti  
Eva Signore  
Frank P. Kapusinski  
Daniel E. Zwillenberg  
Christina A. D'Aloia

May 13, 2015

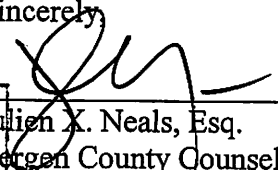
Kim Guandagno  
Lieutenant Governor  
Department of State  
225 W. State Street  
P.O. Box 300  
Trenton, NJ 08625

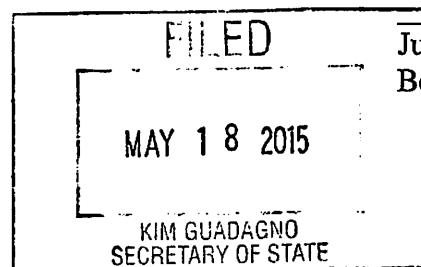
Dear Lieutenant Governor Guandagno,

I serve as County Counsel to Bergen County. Upon reviewing the Secretary of State's website that lists local pay to play ordinances, [http://www.nj.gov/state/dos\\_pay\\_to\\_play.html](http://www.nj.gov/state/dos_pay_to_play.html), we determined that the list of Bergen County's pay-to-play ordinances requires modification. Bergen County has three ordinances listed on the website, to wit: ordinance 11-11, ordinance 13-06 and Ordinance 13-24. Ordinance 13-06 superseded Ordinance 11-11 and the third ordinance listed, Ordinance 13-24, does not relate to pay-to-play practices. The County recently passed additional pay-to-play Ordinance 14-01, a sealed copy of which is enclosed, but which does not appear on the site.

Accordingly, we respectfully request that ordinances 11-11 and 13-24 be removed, ordinance 13-06 remain and ordinance 14-01 be added to the list of Bergen County pay-to-play ordinances. Thank you for your assistance.

Sincerely,

  
Julien X. Neals, Esq.  
Bergen County Counsel



cc. Dominic J. Novelli



**2014**  
**BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS**  
**ORDINANCE**

**(Second Reading)**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
DeNicola	✓			
Felice		✓		
Tanelli	✓			
Tedesco				✓
Voss	✓			
Zur	✓			
Chairman Ganz	✓			
TOTALS	5	1	-	1

Ordinance No. 14-01  
 Date: February 19, 2014  
 Page 1 of 4  
 Department/ Division: Freeholders  
 Purpose: Amend Ordinance No. 13-06, "Regulation of Campaign Contributions," to Lower Permissible Campaign Contribution Limits and Increase Penalties, and For Other Purposes  
 Account No. \_\_\_\_\_  
 Contract No. \_\_\_\_\_  
 Dollar Amount: \_\_\_\_\_  
 Prepared By: EJF

Offered by: Voss  
 Seconded by: DeNicola  
 Approved by: \_\_\_\_\_

Certified as a true copy of an Ordinance adopted by the Board of Chosen Freeholders on above date at the Regular Meeting by: Michele DiIorgi  
Michele DiIorgi, Clerk, Board of Chosen Freeholders, Bergen County, New Jersey

**AN ORDINANCE AMENDING ORDINANCE NO. 13-06, REGULATION OF CAMPAIGN CONTRIBUTIONS, TO LOWER PERMISSIBLE CAMPAIGN CONTRIBUTION LIMITS AND INCREASE PENALTIES, AND FOR OTHER PURPOSES**

WHEREAS, on May 22, 2013, the Board of Chosen Freeholders of the County of Bergen adopted Ordinance #13-6, "Regulation of Campaign Contributions," which took effect pursuant to law after an override of the County Executive's veto; and

WHEREAS, the Board seeks to amend said ordinance to lower permissible campaign contribution limits and increase penalties.

NOW, THEREFORE BE IT ORDAINED by the Board of Chosen Freeholders of Bergen County, and State of New Jersey, as follows:

Ordinance No. 13-06, "Regulation of Campaign Contributions," is amended as follows:

*New additions are underlined, and all deletions are noted.*

*Sections not listed below have not been modified and remain in full force and effect.*

**Section 1: Prohibition on Awarding Public Contracts to Certain Contributors**

E. Contribution Limits

1. An individual or entity meeting the definition of "business entity" under this section may contribute a maximum of \$300 each for any purpose to any candidate for each election cycle, for county-wide office in Bergen County, together with any additional increment provided for by this or any related ordinance.
2. Any group of individuals or entity doing business as a "business entity" under this section, including principals, partners, and officers of the entity in the aggregate, may not contribute for any purpose in excess of \$2,600 to all candidates for each county-wide election in the County of Bergen and countywide candidates and officeholders, including but not limited to, Freeholders, County Executive, County Clerk, Sheriff, and Surrogate.
3. A candidate may contribute an unlimited amount of funds to the candidate's own campaign.
4. A family member of a candidate for county-wide office in Bergen County (spouse, sibling, parents, grandparents, and children) who is also a "business entity" may contribute a maximum of \$300 each for any purpose to that candidate for each election, together with any additional increment provided for by this or any related ordinance.
5. A family member of a candidate who is not a "business entity" shall have the same contribution limits as any other individual who is not a business entity.
6. An individual who is not a "business entity" may contribute up to limits set forth by the New Jersey Election Law Enforcement Commission (ELEC).
7. An individual or entity meeting the definition of "business entity" under this section may annually contribute a maximum of ~~\$5,200~~ \$2,000 to a county political party as defined by ELEC (e.g. the Bergen County Republican Organization, the Democratic Committee of Bergen County, or their lawful successor entities), together with any additional increment provided for by this or any related ordinance.

## Section 2: Contributions Made Prior to the Effective Date.

This Ordinance does not apply retroactively, except as to adjustments of CPI, which are as of the date stated. Any and all contributions, whether monetary or "in-kind" made prior to the effective date of this Ordinance or the date of any amendment that decreases contribution limits shall not be deemed to be a violation of this Ordinance. Thus, the reference to a one calendar year look back will not be fully implemented until the second year this Ordinance is in effect.

## Section 4: Return of Excess Contributions.

A "business entity", or countywide candidate or office holder in Bergen County may cure a violation of Section 1 of this Ordinance if; within ~~60-30~~ days of ~~the applicable date on which the contribution was made,~~ learning of the violation, the "business entity" notifies the Board of Chosen Freeholders in writing and seeks and receives reimbursement of the contribution from the relevant Candidate or officeholder within 60 days of such notification.

## Section 5: Penalty and Anti-Circumvention Provision.

A. It shall be a breach of a contract with Bergen County for a "business entity" to:

- i. Make or solicit a contribution in violation of this ordinance;
- ii. Knowingly conceal or misrepresent a contribution given or received;
- iii. Make or solicit a contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
- iv. Make or solicit any contribution on the condition of or with the agreement that it will be contributed to a campaign committee of any candidate or holder of county-wide public office in Bergen County
- v. Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make any contribution; which if made or solicited by the "business entity" itself would violate this ordinance;
- vi. Fund contributions made by third parties, including consultants, attorneys, family members, and employees are permissible, but where the principal is identified, the limits provided for herein shall nonetheless apply.
- vii. Engage in any exchange of contribution to circumvent the intent of this ordinance; or
- viii. Directly or indirectly, through of by any other person or means do any act which would violate this ordinance.

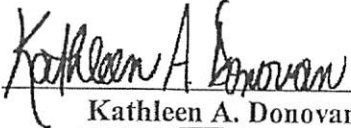
B. Any "business entity" that violates (A) ii-viii; of this section, is subject to a fine of up to \$500 per violation pursuant to N.J.S.A. 40:41A-101, upon conviction in a due process fair hearing conducted by the New Jersey Election Law Enforcement Commission (ELEC).—A "business entity" other than Labor Unions and Labor

~~Organizations may also be debarred from eligibility for future County contracts for a period of up to one year from the date of the violation.~~

C. In addition to any fines that may be imposed, a "business entity" other than Labor Unions and Labor Organizations that violates Section 5 subsection (A) may be debarred from eligibility for future County contracts as follows:

- i. Knowing violation: debarred from eligibility for future County contracts for a period of up to four years from the date of the violation.
- ii. Unintentional violation: debarred from eligibility for a period of up to one year from the date of the violation.

D. Notwithstanding the provisions of Section 5 subsections (A) through (C), a business entity shall not be subject to any fines, penalties, or debarment if it cures the violation pursuant to the provisions of Section 4.

  
Kathleen A. Donovan  
Approved: \_\_\_\_\_  
Rejected: \_\_\_\_\_

