



**Borough of Fair Lawn**  
POST OFFICE BOX 376, FAIR LAWN, NEW JERSEY • 07410

201-794-5340  
Fax: 201-475-1581  
Email: munclerk@fairlawn.org

JOANNE M. KWASNIEWSKI, RMC, CMC, MMC  
MUNICIPAL CLERK

MARILYN B. BOJANOWSKI, RMC  
ASSISTANT MUNICIPAL CLERK

December 7, 2011

Lt. Governor Kim Guadagno  
New Jersey Department of State  
225 West State Street  
Trenton, New Jersey 08625

**RE: PAY TO PLAY ORDINANCE**

Dear Honorable Lt. Governor Guadagno:

Enclosed please find a copy of an Ordinance that was adopted last night by the Mayor and Council of the Borough of Fair Lawn in regard to amending the Borough's current Pay-to-Play ordinance. The Mayor and Council wish to close any loop holes in the Borough's current Pay-to-Play ordinance with respect to the award of Borough contracts to political contributors.

If you have any questions, please feel free to contact our office.

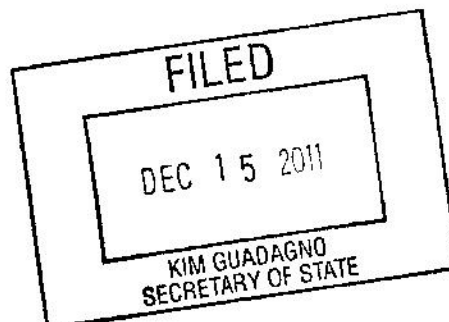
Very truly yours,

*Marilyn B. Bojanowski*

Marilyn B. Bojanowski, RMC  
Assistant Municipal Clerk

/mbb

Enclosure



**ORDINANCE NO. 2230-2011**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF FAIR LAWN 2000, SPECIFICALLY CHAPTER 2, ENTITLED "ADMINISTRATION, DEPARTMENT'S AND BUDGET AND FISCAL PROCEDURES" MORE SPECIFICALLY CHAPTER 2, ARTICLE XXI ENTITLED "WITHHOLDING NO-BID PUBLIC CONTRACTS FROM POLITICAL CONTRIBUTORS"**

**WHEREAS**, the Mayor and Council have adopted Ordinance No. 2056-2006 which prohibits the Borough and any of its purchasing agents or agencies, its statutory boards, and its independent authorities to enter into any agreement or contract on a no-bid basis to procure services, including banking services or insurance coverage services from any professional business entity that had made contributions of money or pledged contributions to campaign committees of any Borough candidate or Borough office holder or to any Borough or Bergen County party committee, or to any political action committee ( PAC) is organized for the primary purpose of promoting or supporting Borough candidates or Borough office holders, but which ordinance permitted such agreements or contracts to be awarded to a contributor provided a "fair and open" process is followed; and

**WHEREAS**, on September 15, 2011 the State of New Jersey Office of the State Comptroller issued a report entitled "Weaknesses In the Pay-to-Play Laws, Fair and Open Contracting System" which has identified the deficiencies in fair and open contracts as administered by county and municipal governments throughout the State of New Jersey; and

**WHEREAS**, the Mayor and Council wish to close any loop holes in the Borough's current Pay-to-Play ordinance with respect to the award of Borough contracts to political contributors.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Fair Lawn, as follows:

**SECTION 1:** Chapter 2 of the Code of the Borough of Fair Lawn 2000 is hereby amended to include the following changes:

1. Section 2-126 entitled "Awarding Public Contracts to Certain Contributors Prohibited" is amended as follows:
  - A. Any other provision of law to the contrary notwithstanding, the Borough and any of its purchasing agents or agencies, its statutory boards, and its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract on a no-bid basis to procure services, including banking services or insurance coverage services, including those awarded pursuant to a "fair and open" process, from any professional business entity, if that entity has solicited or made any contribution of

3. A new Section 2-131 entitled "Contracts Required by Public Exigency or Emergency" shall be added and shall provide as follows:

Section 2-131 Contracts required by public exigency or emergency

This Section shall not prohibit the awarding of a contract when either:

- (i) A public exigency or emergency requires the immediate delivery of goods or performance of services as determined by the Borough manager or
- (ii) The contract is for extraordinary and unspecifiable services under N.J.S.A. 40A:11-5(a)(ii), as determined by Borough Manager

**SECTION 2:** Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part thereto to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

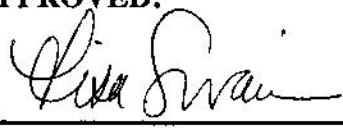
**SECTION 3:** All ordinances, codes or parts thereof that are inconsistent with this Ordinance are repealed or otherwise modified.

**SECTION 4:** This Ordinance shall take effect upon passage and publication as required by law.

**ATTEST:**

**APPROVED:**

  
Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

  
\_\_\_\_\_  
Lisa Swain, Mayor

Introduced: November 22, 2011

Adopted: December 6, 2011