

TOWNSHIP OF MANSFIELD
ORDINANCE 2005-8



**AN ORDINANCE TO AMEND THE CODE OF ETHICS
OF THE TOWNSHIP OF MANSFIELD TO ADDRESS
LIMITATIONS ON POLITICAL CONTRIBUTIONS
BY MUNICIPAL VENDORS; ESTABLISHING A
PROCEDURE FOR THE AWARD OF PROFESSIONAL
SERVICE CONTRACTS; ADOPTING AN ANTI-NEPOTISM
POLICY; AND LIMITING THE ACCEPTANCE OF GIFTS
BY PUBLIC OFFICIALS**

WHEREAS, by enactment of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., in 1991, the New Jersey Legislature established a Code of Ethics to be honored and followed by local elected and appointed public officers and employees, and as a result of same, the Township of Mansfield enacted a Code of Ethics to regulate the conduct and affairs of public employees and officials in a fashion which would respect the integrity of the offices held, and allow the public to have confidence in the honor and integrity of the individuals holding said offices and positions; and

WHEREAS, additional issues have been discussed and raised by both Members of the Township Committee and the public which invite new considerations which need to be addressed to ensure that Mansfield Township's elected and appointed officials maintain the highest ethical standards in the conduct of public business on behalf of the residents and taxpayers of the Township of Mansfield; and

WHEREAS, specifically, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of certain Contracts without resort to competitive bidding, and questions have been raised regarding the award of such "no bid" contracts to political campaign contributors, without use of objective criteria by which the governing body can properly evaluate the qualifications and credentials of vendors to whom said Contracts are awarded; and

WHEREAS, the Township Committee of the Township of Mansfield is intent upon making every effort to ensure that the public has confidence in the honor and integrity of the individuals holding public office and positions, and that elected and appointed officials maintain the highest ethical standards in the conduct of public business on behalf of the residents and taxpayers of the Township of Mansfield; and

WHEREAS, the Township Committee has also determined to initiate prohibitions against the hiring of employees related to elected officials;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the Township's Code of Ethics be and the same is hereby amended to add the following additional standards and criteria:

ARTICLE I. RENUMBERED SECTION. Section 17B-6, entitled, "Enforcement", is hereby amended to renumber said Section as 17B-10.

ARTICLE II. NEW SECTIONS. The following new Sections are hereby added to the Code of Ethics of the Township of Mansfield:

§ 17B-6. AWARD OF PUBLIC PROFESSIONAL SERVICES CONTRACTS. It is the purpose of this Section that, notwithstanding that Professional Services Contracts are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee deems it appropriate, in order to avoid any public perception that Professional Services Contracts are awarded in consideration for, e.g., political contribution or other considerations, said Contracts, consistent with the provisions of recently enacted New Jersey Legislation, shall henceforth be awarded through a competitive, quality-based, fair and open process.

§ 17B-7. PROCESS FOR AWARD OF PROFESSIONAL SERVICES CONTRACTS. No Professional Services Contracts, as that term is used in the Local Public Contracts Law, shall be awarded after the date of the adoption of this Ordinance, unless the following competitive, quality-based, fair and open process is followed:

- A. Professional Services may be awarded by virtue of a combined publicly advertised Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) which will be issued as one document for those appointments which are made on an annual basis, such as, but not limited to, the positions of: Township Attorney, Township Engineer, Township Planner, Planning Board Attorney, Planning Board Engineer, and such similar statutory and/or ordinance public positions.
- B. For said positions, no Contract shall be awarded, unless and until the positions are:
 - 1. publicly advertised in newspapers in sufficient time to give notice in advance of the solicitation for the Contracts;
 - 2. awarded under a process that provides for public solicitation of proposals and qualifications;
 - 3. awarded and disclosed under criteria established in writing by the Township of Mansfield prior to the solicitation of proposals or qualifications; and
 - 4. publicly announced when awarded; and as to those RFQ’s and RFP’s which prove to be unsuccessful, the Municipal Clerk shall retain a copy of same on file for a period of not less than sixty (60) days.
- C. For Contracts which arise on an occasional basis, such as appraisals needed for the acquisition of farmland and/or open space, as well as title searches, surveying, and similar work associated with same; and similar projects of this type, Professional Services shall be awarded only after receipt of publicly advertised RFQ’s, after which a limited number of the best qualified vendors would be identified, and proposals would then be solicited therefrom.
- D. **A REVIEW OF RFP’S/RFQ’S BY DEPARTMENTAL REVIEW COMMITTEES.** A Departmental Review Committee shall be established consisting of not less than two (2) persons to prepare, process and evaluate any RFQ and/or RFP issued pursuant to the Professional Services Contracting procedures set forth above. Each

Departmental Review Committee must prepare, prior to a Request for Proposals, a written cost estimate in order to allow for proper evaluation of the fee aspect of Proposals. Moreover, said Committee shall evaluate the respective Qualifications and/or Proposals, taking into consideration the designated qualifications and/or performance criteria, experience, quoted fee and other relevant factors in making a recommendation of award to the Mayor and Township Committee; and the Departmental Review Committee may, in its sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Township and its taxpayers.

- E. **Emergency Exceptions.** Notwithstanding the foregoing, the Township Committee recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Township Committee with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

§ 17B-8. ANTI-NEPOTISM POLICY.

- A. Elected Officials, Department Heads, Managerial Executives and Unclassified Supervisory Employees. Any person who is a relative of an Elected Official, Department Head or Managerial Executive shall not be appointed, hired, employed or permitted to work for the municipality in any unclassified position.
- B. Existing Employees. If any existing employee of the Township becomes subject to this policy as a result of the election of a relative, or because of changes in marital, domestic partner/cohabitant or relationship status, one of the related persons must resign their position within ninety (90) days. During the 90-day period, non-related supervisory person(s) shall be assigned to supervise the related employee.
It shall be the affirmative duty of a related Elected Official, Department Head, Managerial Executive, or Employee to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in appropriate disciplinary and/or legal action.
- C. Definitions. “Relative” shall be defined as a parent, spouse, child,

sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first or second cousin, in-law or step-relative, domestic partner, cohabitant, or a person with whom a significant committed relationship exists.

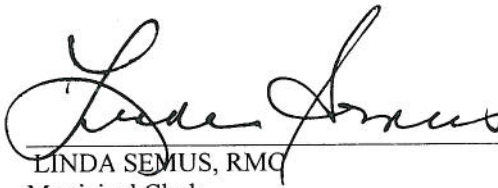
§ 17B-9. SOLICITATION OR ACCEPTANCE OF GIFTS. No candidate for office, appointment or employment and no officer, appointee, or employee in any municipality shall directly or indirectly give or promise any person any office, position, employment benefit or anything of value for the purpose of influencing or obtaining the political support, aid, or vote of any person, under the penalty of being disqualified to hold the office or employment to which he or she may be or may have been elected or appointed.

ARTICLE III. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CERTIFICATION

I, **LINDA SEMUS, RMC**, Municipal Clerk of the Township of Mansfield, County of Burlington, and State of New Jersey, do hereby **CERTIFY** the foregoing to be a true and accurate copy of an Ordinance which was introduced on April 13, 2005 and finally Adopted on April 27, 2005 by the Township Committee at the Mansfield Township Municipal Complex, 24548 E. Main Street, Columbus, County of Burlington, and State of New Jersey.



LINDA SEMUS, RMC
Municipal Clerk

Introduced: April 13, 2005

Final Adoption: April 27, 2005