

**CITY OF HOBOKEN**  
Office of Corporation Counsel

**DAWN ZIMMER**  
Mayor



**BRIAN J. ALOIA**  
Corporation Counsel

February 28, 2017

**Via Regular & Certified Mail**

The Honorable Kimberly M. Guadagno  
Lieutenant Governor of the State of New Jersey/Secretary of State  
P.O. Box 001  
Trenton, New Jersey 08625

**Re: Filing of Hoboken Municipal Ordinances Z-89 and Z-116**

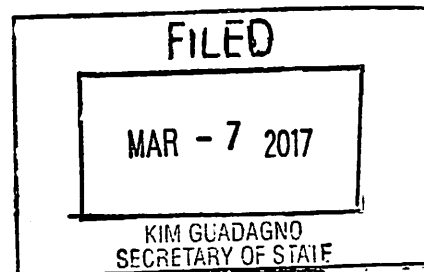
Dear Madam Secretary:/

I hereby file with your office a Certified Copy of Hoboken's "Pay-to-Play" Ordinances, codified in the Hoboken Municipal Code at Chapter 20A and 20C. I am enclosing two copies thereof and I would ask that upon filing, you date stamp a copy of the filed Ordinance and return it to the Office of Corporation Counsel in the City of Hoboken in the envelope enclosed.

Thank you for your attention to the above matter.

Very truly yours,

Alyssa L. Bongiovanni, Esq.  
Assistant Corporation Counsel  
[ABongiovanni@hobokennj.gov](mailto:ABongiovanni@hobokennj.gov)  
201-420-2058



FILED

MAR - 7 2017

KIM GUADAGNO  
SECRETARY OF STATE



(3) 1st reading  
7-1-16

Sponsored by: Councilwoman Marsh

Seconded by: Councilman Bhalla

CITY OF HOBOKEN  
ORDINANCE NO. Z-116

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 20A,  
20B, AND 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF  
HOBOKEN TO ADD A "DEFINITIONS" SECTION TO EACH**

**WHEREAS**, the City Council has adopted Chapter 20A which creates regulations relating to Pay to Play for Professional Service Contracts;

**WHEREAS**, the City Council has adopted Chapter 20B which creates municipal regulations relating to contributions by vendors of the City of Hoboken;

**WHEREAS**, the City Council has adopted Chapter 20C which creates regulations relating to Pay to Play for Redevelopment Agreements entered into with the City of Hoboken; and,

**WHEREAS**, the City Council seeks to amend Chapters 20A, 20B, and 20C to provide for definitions to the terms used within the aforementioned Chapters, to clarify the obligations of enforcement and compliance with each section.

**NOW, THEREFORE, BE IT ORDAINED** by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~striketrough~~, additions noted by underline):

**SECTION ONE: CHAPTER 20A ADDITIONS**

**§ 20A-11.1 Preamble.**

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and

county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

**§ 20A-11.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20A.

**SECTION TWO: CHAPTER 20B ADDITIONS**

**§ 20B-3. Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20B.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filing the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person

having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**MUNICIPAL AGENCIES** — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**PROFESSIONAL** — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

### **SECTION THREE: CHAPTER 20C ADDITIONS**

#### **§ 20C-1.1 Preamble.**

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

#### **§ 20C-1.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20C.

#### **SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

#### **SECTION FIVE: SEVERABILITY**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

#### **SECTION SIX: EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

#### **SECTION SEVEN: CODIFICATION**

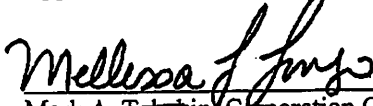
This Ordinance shall be a part of the code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Date of Introduction: July 1, 2011**

Approved as to Legal Form:

  
\_\_\_\_\_  
Mark A. Tabakin, Corporation Counsel  
Mellissa Longo, ST. AWT.

Adopted by the Hoboken City Council  
By a Vote of 9 Yeas to 0 Nays  
On the 20 day of JULY, 2011

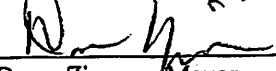
  
\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-or-

Approved by the Mayor  
On the 25 day of JULY, 2011

  
\_\_\_\_\_  
Dawn Zimmer, Mayor

11-23 Z-116

AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTERS 20A, 20B, AND 20C OF THE  
ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN  
TO ADD A "DEFINITIONS" SECTION TO EACH

Introduced, passed first reading as read  
and laid on the table for further  
consideration at its next meeting to be  
held on July 20, 2011 at 7 PM

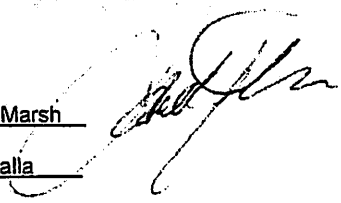
City Clerk  
7/1/11

PASSED THIRD AND FINAL READING  
7/20/11



(3)

1st reading  
2-11-11



Sponsored by: Councilwoman Marsh

Seconded by: Councilman Bhalla

CITY OF HOBOKEN  
ORDINANCE NO. Z-116

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTERS 20A,  
20B, AND 20C OF THE ADMINISTRATIVE CODE OF THE CITY OF  
HOBOKEN TO ADD A "DEFINITIONS" SECTION TO EACH**

**WHEREAS**, the City Council has adopted Chapter 20A which creates regulations relating to Pay to Play for Professional Service Contracts;

**WHEREAS**, the City Council has adopted Chapter 20B which creates municipal regulations relating to contributions by vendors of the City of Hoboken;

**WHEREAS**, the City Council has adopted Chapter 20C which creates regulations relating to Pay to Play for Redevelopment Agreements entered into with the City of Hoboken; and,

**WHEREAS**, the City Council seeks to amend Chapters 20A, 20B, and 20C to provide for definitions to the terms used within the aforementioned Chapters, to clarify the obligations of enforcement and compliance with each section.

**NOW, THEREFORE, BE IT ORDAINED** by the Hoboken City Council, County of Hudson, in the State of New Jersey as follows (deletions noted by ~~strike through~~, additions noted by underline):

**SECTION ONE: CHAPTER 20A ADDITIONS**

**§ 20A-11.1 Preamble.**

Large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices.

Pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and bylaws as necessary and proper for good government, as well as the public health, safety and welfare.

Pursuant to P.L. 2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract.

In the interest of good government, the people and the government of the City of Hoboken desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

It shall be the policy of the City of Hoboken to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and

county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Hoboken.

### **§ 20A-11.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20A.

## **SECTION TWO: CHAPTER 20B ADDITIONS**

### **§ 20B-3. Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20B.

APPLICATION CHECKLIST — The list of submission requirements adopted by ordinance and provided by municipal agencies to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the chapter, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, the City of Hoboken, made prior to filing the application with or seeking approval from the City, and required to be reported pursuant to N.J.S.A. 19:44A-1, et seq. The disclosure shall include all such contributions made during the time period measuring from one (1) year prior to the last municipal election through the time of filing the application with or seeking approval from the City. There shall be a continuing disclosure responsibility to require continuing disclosure of any such contributions made following the filing of the "Contribution Disclosure Statement" and during the pendency of the application and/or approval process.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person

having an enforceable proprietary interest in such land. The term "developer" includes any applicant or entity that wishes to undertake redevelopment activity within the City of Hoboken pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**MUNICIPAL AGENCIES** — The Municipal Planning Board, the Municipal Zoning Board of Adjustment, and the Municipal governing body acting as the Redevelopment Agency pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**PROFESSIONAL** — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

### **SECTION THREE: CHAPTER 20C ADDITIONS**

#### **§ 20C-1.1 Preamble.**

It has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them.

The local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement.

Political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain.

The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment.

N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment.

N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality.

Both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session.

The City of Hoboken has previously or may declare certain areas of Hoboken to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan.

Given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort.

The restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing.

The Policy of the City of Hoboken will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement who makes political contributions to Hoboken City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Hoboken.

#### **§ 20C-1.2 Definitions.**

Whenever a term used in this section is not herein defined, the definition found in the "New Jersey Campaign Contributions and Expenditures Report Act," N.J.S.A. 19:44A-1 et seq., or the definitions found in the regulations promulgated thereunder, known as "Regulations of the New Jersey Election Law Enforcement Commission," N.J.A.C. 19:25-1.1 et seq. shall govern, for purposes of this Chapter 20C.

#### **SECTION FOUR: REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

#### **SECTION FIVE: SEVERABILITY**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

#### **SECTION SIX: EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication as provided by law.

#### **SECTION SEVEN: CODIFICATION**

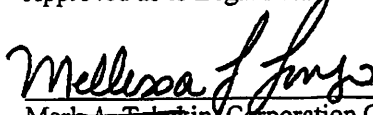
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Proper signs shall be erected in accordance with the current "Manual on Traffic Control Devices." The City Clerk shall immediately forward a certified copy of this Ordinance to the New Jersey Department of Transportation.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**Date of Introduction: July 1, 2011**

Approved as to Legal Form:

  
\_\_\_\_\_  
Mark A. Tabakin, Corporation Counsel  
*Melissa Longo by awt.*

Adopted by the Hoboken City Council  
By a Vote of 9 Yeas to 0 Nays  
On the 20 day of JULY, 2011

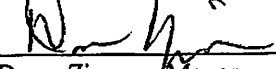
  
\_\_\_\_\_  
James Farina, City Clerk

Vetoed by the Mayor for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-or-

Approved by the Mayor  
On the 25 day of JULY, 2011

  
\_\_\_\_\_  
Dawn Zimmer, Mayor

11-23 2-116

AN ORDINANCE TO AMEND AND SUPPLEMENT  
CHAPTERS 20A, 20B, AND 20C OF THE  
ADMINISTRATIVE CODE OF THE CITY OF HOBOKEN  
TO ADD A "DEFINITIONS" SECTION TO EACH

Introduced, passed first reading as read  
and laid on the table for further  
consideration at its next meeting to be  
held on July 20, 2011 at 7 PM

City Clerk  
7/1/11

PASSED THIRD AND FINAL READING  
7/20/11