

# The Township of Washington

Mercer County

1117 U.S. Route 130, Robbinsville, New Jersey 08691  
Telephone (609) 259-7082 Fax (609) 259-6032

*Mayor*  
David Fried

*Council President*  
Sonja R. Walter

*Council Vice President*  
Larry Schneider

*Township Council*  
David L. Boyne  
Ronca C. Hyams  
William Lesniak

*Township Administrator*  
Mary K. Caffrey

*Municipal Clerk*  
Michele Auletta

January 10, 2006

The Honorable Regena L. Thomas  
New Jersey Secretary of State  
PO Box 300  
Trenton, NJ 08625-0300

Dear Secretary Thomas:

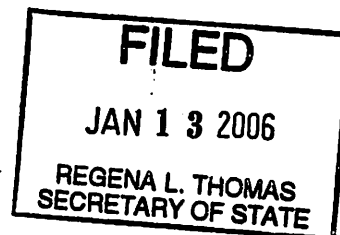
Enclosed are Washington Township's Pay to Play Ordinances as required to be sent to you under the new Pay-to-Play State Statute.

Sincerely,



Michele Auletta  
Municipal Clerk

enclosures



**ORDINANCE 2002-7  
TOWNSHIP OF WASHINGTON  
COUNTY OF MERCER**



AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,  
TOWNSHIP, NEW JERSEY, TO PROHIBIT THE AWARDING OF PUBLIC CONTRACTS  
TO CERTAIN CONTRIBUTORS

WHEREAS, the Township Committee is authorized to award professional service agreements without public bidding; and

WHEREAS, professional business entities may be placed in a position where they are subject to making political contributions to the election campaigns of local government officials who are ultimately responsible for awarding professional service contracts; and

WHEREAS, the Township Committee believes that there can be a perception that professional services agreements could be awarded based upon political contributions; and

WHEREAS, professionals often feel pressured to contribute to political campaigns; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5* and *N.J.S.A. 40A:48-2*, municipalities have the right to establish rules and procedures for contracting with professional business entities.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Washington, County of Mercer, and State of New Jersey, that the policy of the Township of Washington will be to set maximum amounts professional business entities may contribute to political campaigns, the violation of which would render the professional business entity ineligible to receive a professional service contract with Washington Township.

**SECTION 1. Prohibition on Awarding Public Contracts to Certain Contributors**

- (a) Any other provision of law to the contrary notwithstanding, Washington Township shall not enter into a professional service agreement or otherwise contract to procure services from any professional business entity, if that entity has made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any candidate for Township Committee, or an incumbent Township Committee member, or to any Washington Township municipal or Mercer County party committee, in excess of the threshold specified in Subsection (c) within one calendar year immediately preceding the date of the award of the contract or agreement.
- (b) For purposes of this ordinance, a “professional business entity” seeking a public contract means an individual including the individual’s spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own ten percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.
- (c) Any “professional business entity” under this section may annually contribute a maximum of \$250 to any candidate for Township Committee, or \$500 to any

municipal or county party committee without violating subsection (a) of this section. However, any group of individuals meeting the definition of “professional business entity” under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all candidates for Township Committee and all Washington Township municipal or Mercer County political parties combined, without violating subsection (a) of this section.

## **SECTION 2. Contributions Made Prior to the Effective Date**

No contributions of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Township Committee, municipal party committee, or county party committee shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

## **SECTION 3. Contribution Statement by Professional Business Entity**

- (a) Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or officer has not made a contribution in violation of Section 1 of this Ordinance.
- (b) The professional business entity shall have a continuing duty to report any violation of this Ordinance that may occur during the negotiations or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township.

## **SECTION 4. Return to Excess Contributions**

A professional business entity or township candidate or officeholder or municipal or county party committee may cure a violation of Section 1 of this Ordinance, if, within 30 days after the general election, the professional business entity notifies the Township Committee in writing and seeks and receives reimbursement of a contribution from the township candidate or municipal or county political party.

## **SECTION 5. Penalty**

- (a) All Washington Township professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity as defined in Section 1(c) to violate Section 1(b) or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any professional business entity as defined in Section 1(c) and (d) who knowingly fails to reveal a contribution made in violation of this Ordinance, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future township contracts for a period of

four calendar years from the date of the violation.

#### **SECTION 6. Severability**

In any provision of this law, or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

#### **SECTION 7. Effective Date**

This ordinance shall take effect after public hearing and final adoption and publication according to law.

#### **NOTICE**

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Committee of the Township of Washington held on April 11, 2002 and will be considered on second reading and final passage at a regular meeting of the Township Committee of the Township of Washington to be held at the Washington Township Municipal Building, 1117 Route 130, Robbinsville, New Jersey at 7:30 p.m. on April 25, 2002, at which time and place any persons interested therein will be given an opportunity to be heard.

**BERNADETTE M. DUBUSS  
MUNICIPAL CLERK**

Adopted: April 25, 2002