

MAYOR MATTHEW J. DOHERTY
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Belmar, NJ 07719



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May 8, 2017

NJ Department of State.
Lt. Governor Kim Guadano
P.O. Box 300
Trenton, NJ 08625

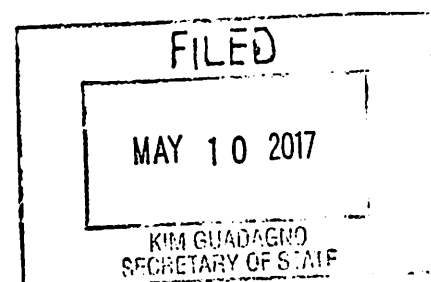
Dear Lt. Governor Guadano:

In July 2016, I emailed your office copies of the Borough of Belmar's "Pay to Play" ordinances for filing with your office and posting on the appropriate website. It has been brought to my attention that you may or may not have received these emails. Therefore, I have enclosed hard copies of the ordinances for your records. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "April Claudio".

April Claudio
Municipal Clerk



CHAPTER IX CONFLICTS OF INTEREST

9-1 DEFINITIONS.

Any term not defined herein shall have the meaning ascribed to it in Sections 4-10, 4-19 et seq. and 9-6 et seq. of the Borough Ordinances, as they may be amended and supplemented from time-to-time. Terms not defined shall have their usual and customary meanings, unless a different meaning clearly appears from the context. The following terms whenever used or referred to in this section shall have the following respective meanings, unless a different meaning clearly appears from the context:

Alcoholic beverage licensee, Belmar shall mean any individual or entity who owns or is negotiating for the purchase of, or has an application pending for a license or permit for the sale of alcoholic beverages within the Borough of Belmar, whether or not the license is active, and any person or entity that is the owner of any property on which the license is currently active, or any property to which an application is pending with the Borough for the place-to-place transfer of the license. In the case of any alcoholic beverage licensee who is an individual, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them has an ownership interest in excess of five (5%) percent. In the case of any alcoholic beverage licensee that is an entity, the term shall also include each and every principal who owns any interest in the said entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the entity;

Alcoholic beverage licensee, other shall mean any individual or entity who owns or is negotiating for the purchase of, or has an application pending for a license or permit for the sale of alcoholic beverages in a municipality other than the Borough and at premises located within one-quarter (1/4) mile of any border of the Borough of Belmar, or in the case of a municipality that borders the Borough of Belmar across the Shark River or any inlet or channel thereof, at premises located within one-quarter (1/4) mile of the Shark River or its inlet or channels, and any person or entity that is the owner of any property on which the said license is currently active. In the case of any alcoholic beverage licensee who is an individual, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them has an ownership interest in excess of five (5%) percent. In the case of any alcoholic beverage licensee that is an entity, the term shall also include each and every principal who owns any interest in the said entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the entity.

Belmar campaign contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Borough shall mean the Borough of Belmar as a municipal entity, and any elected official, municipal officer, municipal employee, or any agent, department, board or commission of the Borough of Belmar.

Campaign contribution shall mean Belmar campaign contribution, County campaign contribution and/or pass-through campaign contribution as defined herein.

County campaign contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any County political organization or County campaign committee or fund within the County of Monmouth; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Development, major shall mean any individual or entity who makes any application to the Borough's Planning Board for any subdivision of a property or properties into more than two (2) lots, or for major site plan approval; or any application to the Borough's Zoning Board of Adjustment for any use variance approval; or who owns or is the contract purchaser of any property that is the subject of any such application, or who owns, or is the contract purchaser of, a property located within a designated redevelopment area that has been specifically designated by the Belmar Planning Board as being in need of redevelopment; or who engages directly or indirectly in negotiations with the Borough relating to, or has in fact entered into, a master or presumptive redeveloper's agreement pursuant to any redevelopment plan or the Municipal Land Use Law, or who owns or is the contract purchaser of, any property that is the subject of, or would directly be affected by a proposed change in zoning or of the master plan, and in the case of a major developer who is an individual, his or her spouse and any child living at home, and any entities of which any of them are principals holding a five (5%) percent or greater interest; and in the case of a developer that is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or in any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

Development matter shall mean any application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, any application or proposal to change the Borough's zoning regulations or master plan, or any proposed development pursuant to a redevelopment plan, or any master or presumptive redeveloper's agreement. With respect to a major developer, the term relating to a development matter shall mean that the major developer is the applicant, owner or contract purchaser of property that is the subject of an application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, or of any application or proposal to change the Borough's zoning regulations or master plan, or is the presumptive or master redeveloper, owner or contract purchaser of property located within a designated redevelopment area that has been specifically designated by the Belmar Planning Board as being in need of redevelopment. With respect to a minor developer, the term relating to a development matter shall mean that the minor developer is the applicant, owner or contract purchaser of property that is the subject of an application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough. With respect to a development professional, the term relating to a development matter shall mean that the development professional has rendered or is rendering professional services for a minor or major developer in connection with that development matter.

Development, minor shall mean any individual or entity who is not a major developer, as defined herein, but who makes any application to the Borough's Planning Board or Zoning Board of Adjustment for any bulk variance relief, for a subdivision of a property into not more than two (2) lots, or for conditional use or minor site plan approval; or who owns or is the contract purchaser of any property that is the subject of any such application; or who owns, or is the contract purchaser of, a property located within a designated redevelopment area but which property has not been specifically designated as being in need of redevelopment; and in the case of a minor developer who is an individual, his or her spouse and any child living at home, and any entities of which any of them are principals holding a five (5%) percent or greater interest; and in the case of a developer that is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or in any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

Development professional shall mean any licensed professional, including but not limited to attorneys, architects, engineers, surveyors and planners, or any entity that provides such professional services, who is representing a minor or major developer or who has performed professional services for a minor or major developer relating to a development matter, and any principal owning not less than a five (5%) percent interest in the entity.

ELEC Commission shall mean the New Jersey Election Law Enforcement Commission or any State agency, commission or body having similar regulatory and/or enforcement functions under the ELEC Laws.

ELEC Law(s) shall mean the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq. and the related regulations under N.J.A.C. 19:25-1.1, et seq. as they may be amended and supplemented from time-to-time.

Elected office except where described more narrowly in this section, shall mean any governmental position which requires being elected by the voters, without regard to whether the elected office is within or without the Borough. A candidate for elected office shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot, whether in a primary, general, municipal or school board election, for an elected office.

Elected official shall mean any person who holds a position in the Borough of Belmar which requires being elected by the voters of the Borough of Belmar.

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

Ineligible official shall mean any elected official or department head of the Borough of Belmar who has a "conflict of interest" pursuant to Chapter IX of the Revised Development Regulations of the Borough of Belmar.

Municipal official or municipal employee shall mean any person, other than an elected official, who works for or holds a position with the Borough of Belmar.

Other elected office campaign contribution shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund maintained by or on behalf of any holder of any elected office of the Borough who is a declared candidate for an elected office other than an elected office of the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Pass-through campaign contributions shall mean any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough, that is received from the election fund or other campaign account of any elected official or candidate for any office other than Mayor or Council of the Borough, or from any County political organization, County campaign committee or political action committee or fund within or without the County of Monmouth.

Redevelopment plan shall mean any plan, or amendment thereto, adopted by ordinance of the Mayor and Council pursuant to and in accordance with Redevelopment and Housing Law, Chapter 79, P.L. 1992, including without limitation the Seaport Redevelopment Plan adopted pursuant to Borough Ord. 2003-18 and/or any successor or amendment thereto.

Vendor shall mean any individual person or entity who either negotiates, bids or otherwise seeks to enter into an agreement to purchase goods or services as defined herein. In the case of any vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of five (5%) percent. In the case of any vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

(Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III; Ord. No. 2007-14 § I)

9-2 DISCLOSURE OF PERSONAL INTEREST.

Any elected official, municipal official or municipal employee who has or may have any interest, direct or indirect, in any measure, indebtedness or action and who participates in discussion with or gives an official opinion to the Borough Council or to any municipal agency, board or authority with respect thereto shall disclose on the records of the Borough Council or agency, board or authority the nature and extent of such interest. Such personal interests shall be described in writing and filed with the Borough Clerk, and shall be subject to inspection pursuant to the Open Public Records Law. (Ord. No. 1991-1 § 9-1; Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-3 PROHIBITED ACTIVITIES.

- a. No municipal official or municipal employee shall engage in political activity during his or her hours of duty with respect to any candidate.
- b. No elected official, municipal official or municipal employee shall use or permit others to use the facilities of the Borough for the preparation, storage or distribution of campaign material.
- c. Nothing in this chapter shall be construed to prevent an elected official from campaigning, or engaging in political activity, at any time.
- d. No elected official, municipal official or municipal employee shall use or permit others to use the facilities of the Borough for the conduct of private business. With the approval of the Mayor and Council, nonprofit public service and civic organizations shall be allowed to use such Borough facilities as may be deemed appropriate and as may be permitted pursuant to law.
- e. No elected official, municipal official or municipal employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Borough, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others. The Borough Council may, as it deems appropriate, determine by resolution what information shall be deemed confidential for the purpose of this subsection.

(Ord. No. 1991-1 § 9-2; Ord. No. 1998-21 § 1; Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-4 Ineligibility of Elected Officials to Participate in or vote on Specific Matters Involving Certain Campaign Contributors.

- a. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any minor or major developer in excess of the limits set forth in Section 9-6b,1(a) or (b) hereof shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any development matter relating to that minor or major developer.
- b. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any development professional in excess of the limits set forth in Section 9-6b,1(a) hereof, shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any development matter with respect to which the development professional has performed any professional service.

- c. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any Belmar alcoholic beverage licensee or any other alcoholic beverage licensee in excess of the limits set forth in Section 9-6b,2. hereof, shall be ineligible to participate in, be kept informed of, or cast any vote with respect to, any application by the alcoholic beverage control licensee for an alcoholic beverage control license or permit relating to the said alcoholic beverage control licensee, or with respect to any hearings or proceedings relating to same, or with respect to any investigations relating to same, or with respect to any local or State enforcement proceedings seeking to impose fines, suspensions or revocations relating to the same; or with respect to any matters relating to the regulation of permit parking on any street in the Borough, ferry or water tram service upon the Shark River, or taxi or shuttle service anywhere within the Borough.
(Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-5 General Ineligibility of Any Elected Official Who Receives any Pass-Through Campaign Contributions to Participate or Vote on Certain Categories of Matters.

- a. Any elected official who has received either as Belmar campaign contributions or other elected office campaign contributions during any of the three (3) preceding calendar years, including during years preceding his or her election, any pass-through campaign contributions shall be ineligible to participate in, or cast a vote on any of the following categories of matters for the remainder of that calendar year and for a period of three (3) additional calendar years following that calendar year:
1. The award of any agreement to purchase goods or services, and shall be further barred from voting on the grant of change orders with respect to publicly bid contracts or agreements; with respect to each and every vote as to which the Mayor or member of the Council is ineligible by virtue of this provision, the reasons for the abstention shall be set forth on the record, recorded in the minutes, and noted on the resolution awarding the contract or agreement for the sale of goods and services;
 2. Any development matter, and any appointment to the Planning Board or Board of Adjustment of the Borough of Belmar;
 3. Any matter relating to or involving any Belmar alcoholic beverage licensee or any other alcoholic beverage licensee.
(Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-6 Belmar and County Campaign Contribution Limits Affecting Vendor Eligibility and Conflicts of Interest.

- a. Campaign contribution limits affecting the eligibility of vendors and professional vendors, pursuant to Section 4-19, to enter into or be paid pursuant to agreements to purchase goods or services and agreements to purchase professional services are as follows:
1. The maximum combined amount of Belmar campaign contributions and other elected office campaign contributions that may be made by a vendor during any calendar year shall not exceed three hundred (\$300.00) dollars and this limit shall include all contributions made to each candidate for elected office from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account.
 2. The maximum combined amount of Belmar campaign contributions and other elected office campaign contributions that may be made by a professional vendor during any calendar year shall not exceed zero (\$0.) dollars, and this limit shall include all contributions made to each candidate for elected office from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account.
 3. The maximum amount of county campaign contributions that may be made by a vendor or professional vendor shall not exceed two thousand five hundred (\$2,500.00) dollars during any calendar year to each party.
- b. Campaign contribution limits affecting the eligibility of elected officials to participate in or vote on specific matters involving development matters, Belmar alcoholic beverage licensees or other alcoholic beverage licensees, are as follows:
1. Any candidate for elected office who receives:
 - (a) A Belmar campaign contribution in excess of three hundred (\$300.00) dollars from any minor developer or development professional during a single calendar year shall have a conflict of interest, and shall be

ineligible to vote or participate in matters relating to the said minor developer or development professional as provided in Section 9-4a. or b, respectively;

- (b) Any Belmar campaign contribution from any major developer shall have a conflict of interest, and shall be ineligible to vote or participate in matters relating to the said major developer as provided in 9-4a. or b, respectively.

2. Any candidate for elected office who receives:

- (a) Any Belmar campaign contribution or other elected office campaign contribution from any Belmar alcoholic beverage licensee during a single calendar year, shall have a conflict of interest, and shall be ineligible to vote or otherwise participate in matters involving the said Belmar alcoholic beverage licensee as provided in Section 9-4c;
- (b) Any Belmar campaign contribution or other elected office contribution from any other alcoholic beverage licensee shall have a conflict of interest, and shall be ineligible to vote or otherwise participate in matters involving the said other alcoholic beverage licensee as provided in Section 9-4c.

The limits set forth in Section 9-6b. shall apply jointly to all candidates for any elected office for the same party or on the same ticket, unless the said candidates maintain entirely separate election fund accounts, and run entirely uncoordinated campaigns. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-7 Contributions Made Prior to the Effective Dates.

Notwithstanding any term contained herein to the contrary, no campaign contributions made prior to January 1, 2004, and no other elected office campaign contributions made prior to January 1, 2005, shall be considered in calculating the campaign contribution limits set forth in Section 9-5 or 9-6 hereof. No elected official shall be deemed to have a conflict of interest based upon campaign contributions received during 2004, provided that the said campaign contributions did not exceed the limits set forth in Ordinance No. 2004-14. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-8 Reporting Obligations of Candidates for elected office.

- a. Each and every candidate for any elected office within the Borough of Belmar, and each elected official who is a candidate for elected office other than for the office of Mayor or Council of the Borough, shall file with the Borough Clerk a true and correct copy of each and every campaign finance report they are required to file with the New Jersey Election Law Enforcement Commission, and shall do so not later than the date that the said report is due to be filed with the New Jersey Election Law Enforcement Commission.
- b. In connection with each campaign report submitted to the Borough Clerk pursuant to paragraph a. above, each candidate for any elected office shall attach a supplemental certification, on a form to be provided by the Borough Clerk, pursuant to which the candidate shall certify the following:
 - 1. That he or she has personally inspected the records of contributions made to his or her campaign accounts or election funds and the records of contributions, if any, made to the local political club or committee to which he or she is a member;
 - 2. That the information contained on the attached report is, after due inquiry, accurate in all material respects;
 - 3. Identifying (1) each and every individual who either individually or in combination with his or her spouse, or any child living in the same household, or any corporation, professional corporation, limited liability company or partnership of which any of them are principals owning an interest of five (5%) percent or greater, from whom he or she has received a Belmar campaign contribution and/or another elected office campaign contribution cumulatively in excess of three hundred (\$300.00) dollars during that calendar year; (2) each and every Belmar alcoholic beverage licensee and other alcoholic beverage licensee who has contributed any amount; (3) each and every professional who has contributed in any amount; and (4) each and every pass-through campaign contribution, regardless of amount, he or she has received from any political action committee, County or municipal committee or political club, or from any election fund relating to any public question or from any election fund of any candidate for an office other than any elected office of the Borough of Belmar.
- c. Each and every campaign committee for a candidate for any elected office within the Borough of Belmar shall, in addition to the requirements of Section 9-8a., file with the Borough Clerk a true and correct copy of each and every campaign contribution received which is less than the amount required to be reported to the ELEC Commission and shall be filed no later than the date that the said report is due to be filed with the New Jersey

Election Law Enforcement Commission. Said information is to be filed with the Borough Clerk on the same reporting form used to report campaign contributions to the ELEC Commission. Each filing shall also be accompanied with the supplemental certification required by Section 9-8b. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III; Ord. No. 2007-14 § I)

9-9 Curing Violations; Return of Excess Contributions.

Any vendor, major developer, minor developer, development professional, Belmar alcoholic beverage licensee, and any candidate or elected official may cure a campaign contribution made in excess of the limits set forth in Sections 9-5 or 9-6 of this Chapter as follows:

- a. Any vendor, major developer, minor developer, development professional, Belmar alcoholic beverage licensee and other alcoholic beverage licensee may cure a campaign contribution made in excess of the limits set forth in Sections 9-5 or 9-6 of this Chapter, and any candidate or elected official may cure any such contribution, if, within thirty (30) days after the receipt of the campaign contribution, the said vendor, major developer, minor developer, development professional, Belmar alcoholic beverage licensee and other alcoholic beverage licensee, or the candidate or elected official who originally received the said contribution, notifies the Chief Financial Officer in writing that it has received a reimbursement or made a reimbursement in the case of a candidate or elected official, of a contribution in excess of that allowed in Sections 9-5 or 9-6, and by attaching a true and correct copy of the check received in reimbursement, or issued in reimbursement in the case of a candidate or elected official.
- b. After the effective date of Ordinance No. 2011-06, being April 27, 2011, any candidate or elected official who has received written notification, or has been notified during the public comment section of a public meeting, of the receipt of a contribution in excess of that allowed in Sections 9-5 or 9-6 or is in violation of any other provision of Chapter IX may cure said violation within thirty (30) days of such notice by reimbursing the contribution as provided for in Section 9-9a. and/or complying with any other provision of Chapter IX.
- c. Any candidate or elected official who has received any campaign contribution in excess of that allowed in Sections 9-5 or 9-6 or is in violation of any other provision of Chapter IX at any time prior to the effective date of Ordinance No. 2011-06, being April 27, 2011, may cure such a violation within thirty (30) days after the effective date of Ordinance No. 2011-06 being not later than May 27, 2011, by reimbursing the contribution as provided for in Section 9-9a. and/or complying with any other provision of Chapter IX.
(Ord. No. 2004-14 § 2; Ord. No. 2005-19 § 3; Ord. No. 2011-06 § 1)

9-10 penalty, ineligibility of any elected official.

Any campaign committee for a candidate for any elected office within the Borough of Belmar which has not filed the required reports and supplemental certifications required by Section 9-8 shall be fined two hundred fifty (\$250.00) dollars, and the candidate shall be subject to the restrictions in Section 9-5 if the candidate is elected to office until Section 9-8 is complied with and the penalty is paid. (Ord. No. 2007-14 § I)

4-19 RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS BY VENDORS TO THE BOROUGH.

4-19.1 Prohibition on Awarding Contracts for the Sale of Goods or Services to Certain Campaign Contributors.

Any other provision of law to the contrary notwithstanding, the Borough shall not enter into:

- a. Any agreement to purchase goods or services, or make any payment pursuant to any such agreement with any vendor that has solicited or made any campaign contribution in excess of the limits specified in Section 9-6a,1. of the Revised General Ordinances of the Borough of Belmar, during the three (3) year period immediately preceding the date of the contract or agreement, or during the term of any such agreement to purchase goods or services;
- b. Any agreement to purchase professional services, or make any payment pursuant to any such agreement with any professional vendor that has solicited or made any campaign contribution in excess of the limits specified in Section 9-6a,2. of the Revised General Ordinances of the Borough of Belmar, during the three (3) year period immediately preceding the date of the contract or agreement, or during the term of any such agreement to purchase professional services.
(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.2 Limits on Political Campaign Contributions by Vendors to the Borough.

- a. No vendor shall knowingly solicit on behalf of, or make any campaign contribution in excess of the limits specified in Section 9-6a,1. herein during the pendency of any such negotiations for, or during the term of, any agreement to purchase goods or services.
- b. No professional vendor shall knowingly solicit on behalf of, or make any campaign contribution in excess of the limits specified in Section 9-6a,2. herein during the pendency of any such negotiations for, or during the term of, any agreement to purchase professional services.
(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.3 Vendors to Certify Their Compliance With the Borough's Restrictions on Campaign Contributions; Obligation is Continuing.

- a. Prior to issuing any purchase order or awarding to any vendor an agreement to purchase goods and services, or making any payment pursuant to the same, or granting any change order in connection therewith, the Borough's Chief Financial Officer shall require that the vendor first have submitted a vendor's certification of eligibility, in language to be approved by the Borough Attorney, in which the vendor shall verify that it has not knowingly made any campaign contribution in excess of the limits set forth in Section 9-6a,1. of the Revised General Ordinances of the Borough of Belmar, and that it has not otherwise violated subsection 4-19.2a. hereof.
- b. Prior to issuing any purchase order or awarding to any professional vendor an agreement to purchase professional services, or making any payment pursuant to the same, or granting any change order in connection therewith, the Borough's Chief Financial Officer shall require that the professional vendor first have submitted a vendor's certification of eligibility, in language to be approved by the Borough Attorney, in which the professional vendor shall verify that it has not knowingly made any campaign contribution in excess of the limits set forth in Section 9-6a,2. of the Revised General Ordinances of the Borough of Belmar, and that it has not otherwise violated subsection 4-19.2b. hereof.
- c. The certifications required by paragraphs a. and b. above shall be in addition to any other certification that may be required by any other provision of law. The Chief Financial Officer shall keep the original of each such certification of vendor eligibility on file. Notwithstanding anything contained herein to the contrary, the vendor and professional vendor shall have a continuing duty to report immediately to the Borough's Chief Financial Officer any campaign contributions made in violation of this section that occur during any time that an agreement to purchase goods or services or agreement to purchase professional services is in effect, or that occur during the pendency of any negotiations or bidding by the vendor or professional vendor to enter into such an agreement.

(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.4 Vendor Who Refuses to Certify Its Eligibility or Knowingly Submits a False Certification of Eligibility Shall Be Declared to be an Ineligible Vendor.

In addition to such other penalties as may be provided by law, any vendor or professional vendor who, after reasonable notice of the consequences thereof, refuses or otherwise fails to provide the certification required herein, or who knowingly files a false vendor's certification of eligibility, shall be designated by the Chief Financial Officer as an ineligible vendor, and shall be promptly included on the ineligible vendor list maintained pursuant to subsection 4-19.7 hereof and shall thereafter be prohibited from entering into any agreement to purchase goods and services or agreement to purchase professional services, as the case may be, with the Borough, and from receiving any payment pursuant to such an agreement, until such time as the Mayor and Council adopt a resolution determining that the vendor is eligible or otherwise should be paid for services rendered or goods sold to the Borough. Any vendor or professional vendor may appeal to the Mayor and Council from a determination by the Chief Financial Officer that it is an ineligible vendor. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.5 Chief Financial Officer to Verify Eligibility of Vendors.

Neither the Borough of Belmar, nor any official thereof, shall:

- a. Enter into any agreement to purchase goods or services, or approve or execute any change order with respect thereto, or make or authorize any payment pursuant thereto, unless and until the Chief Financial Officer has executed a verification of vendor eligibility with respect to that vendor, which verification of vendor eligibility shall be appended to or otherwise incorporated into the said agreement to purchase goods or services, and each purchase order and voucher relating thereto; or
- b. Enter into any agreement to purchase professional services, or approve or execute any change order with respect thereto, or make or authorize any payment pursuant thereto, unless and until the Chief Financial Officer has executed a verification of vendor eligibility with respect to that professional vendor, which verification of vendor eligibility shall be appended to or otherwise incorporated into the said agreement to purchase professional services, and each purchase order and voucher relating thereto.
(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.6 All Resolutions Awarding Agreements to Purchase Goods or Services or Agreements to Purchase Professional Services, Awarding of Bids, Approving Changes Orders, or Authorizing Payments of Bills Shall Contain a Verification of Vendor Eligibility; Borough Clerk to Publicly Announce Same.

No resolution authorizing the execution of an agreement to purchase goods or services or an agreement to purchase professional services, or awarding of any bid or approving any change order relating thereto, or authorizing payment of any bill pursuant thereto, shall be introduced or adopted by the Mayor and Council unless it contains a verification of vendor eligibility executed by the Chief Financial Officer, or his or her designee. The Borough Clerk shall, prior to the introduction of any such resolution, first read a statement for the record advising the Mayor and Council and the public that Chief Financial Officer of the Borough has certified that the vendor(s) or professional vendors(s) that are the subject of the resolution are eligible vendors within the meaning of this section. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.7 Chief Financial Officer to Maintain a List of Ineligible Vendors.

The Borough's Chief Financial Officer shall prepare and at all times maintain a list of vendors and professional vendors who are, by virtue of the provisions of this section, ineligible to enter into an agreement to purchase goods or services or an agreement to purchase professional services with the Borough. The Chief Financial Officer shall prepare this list based upon information obtained from the campaign reports required to be filed with the Election Law Enforcement Commission by or on behalf of candidates for the office of Mayor and Council, the supplemental campaign certifications to be submitted by the candidates for elected office, pursuant to Section 9-8 and information provided by vendors and professional vendors as required herein. The Chief Financial Officer shall update the list of ineligible vendors within five (5) business days of the receipt of any certifications or information as required in this section, or of any reports or supplemental reports of Belmar campaign

contributions, other elected office campaign contributions or pass-through contributions required to be filed pursuant to Section 9-8. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.8 Contributions Made Prior to the Effective Dates.

Notwithstanding any term contained herein to the contrary, no vendor or professional vendor shall be required to report campaign contributions made prior to January 1, 2004. For the purpose of determining a vendor's eligibility pursuant to this section, the Chief Financial Officer shall not consider campaign contributions made prior to that date, and shall not consider other elected office campaign contributions made by vendors or professional vendors prior to January 1, 2005. Notwithstanding anything contained herein to the contrary, no vendor or professional vendor shall be determined to be an ineligible vendor provided that the campaign contributions they made during 2004 did not exceed the limits set forth in Ordinance No. 2004-14, and that the contributions they have made in 2005 and thereafter do not exceed the limits set forth in Section 9-6a,1-3. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

