

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2022-22

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
CHAPTER 6, TO CREATE ROBUST CONFLICT OF INTEREST POLICIES IN THE
AWARDING OF PUBLIC EMPLOYMENT AND CONTRACTING**

WHEREAS, trust in the local government’s process is an essential component for a strong community;

WHEREAS, in order to maintain confidence in Township government, it is imperative that residents can be assured that Township employment and contracting is free from nepotism, patronage, and favoritism; and

WHEREAS, it is imperative that the Township retain employees and professionals based on merit, so that residents are assured that the Township is receiving the highest quality service at an honest and fair cost to residents; and

WHEREAS, the system of spending tax payer dollars on salaries, benefits and contracts must be protected from any improper influence that would undermine the public’s confidence in their leaders; and

WHEREAS, any unfair practices of pay to play policies, whether in employment or contracting, will not be tolerated in the community and the integrity of the government protected; and

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford, County of Union, State of New Jersey as follows:

SECTION 1. Chapter 6, Article XLIV is hereby amended and retitled as “Conflicts of Interest.”

SECTION 2. Chapter 6, Article XLIV is hereby amended as follows:

§ 6-178 Definitions. As used in this ~~Article~~policy, the following terms shall have the meanings indicated:

(1) “Appointed Official” means any person whether compensated or not, whether part-time or full-time (1) serving on a Township Planning Board or Zoning Board of Adjustment; or (2)

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

who is appointed by the Township as a member of an independent municipal, county or regional authority.

- (2) **“Elected Official”** shall mean the elected members of the Township.
- (3) **“Family member or relative”** shall mean a spouse; child; parent; sibling; father-in-law; mother-in-law; brother-in-law; sister-in-law; stepfather; stepmother; stepsibling; half-brother; half-sister; foster child; domestic partner or cohabitants as defined by the New Jersey Civil Union Act; a person with whom there is a relationship as a legal guardian or *in loco parentis*.
- (4) **“Political Committee”** shall mean any group of two or more persons acting jointly, or any corporation, partnership, or any other incorporated or unincorporated association, including a political club, political action committee, civic association or other organization, which in any calendar year contributes or expects to contribute at least \$6,300 to aid or promote the candidacy of any individual, or the candidacies of individuals, for elective public office.
- (5) **“Candidate Committee”** shall mean any corporation, partnership, or any other incorporated or unincorporated association, organized for purposes of supporting an individual seeking to become an Elected Official.
- (6) **“Contribution”** shall mean a transfer of money or other thing of value, made to, or on behalf of, a Candidate Committee or Political Committee. Included in the definition of a contribution are loans, gifts, subscriptions, real property, and personal property. A contribution may be in the form of currency, check, or other negotiable instrument. A contribution may also be a nonmonetary or “in-kind” contribution.
- (7) **“Party Committee”** shall mean the municipal, county and state Political Committees of the Republican and Democratic parties.

§ 6-179 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 Township Committee or to any municipal agency, board or authority with respect thereto shall disclose on the records of the Township Committee or agency, board or authority the nature and extent of such interest. Such personal interests shall be described in writing and filed with the Township Clerk and shall be subject to inspection pursuant to the Open Public Records Law.

§ 6-~~1807~~ Hiring and Supervision of Employees.

(1) No person who is a family member or relative of any Elected Official or the Township Administrator shall be considered for employment as an employee of the Township or for appointment as an Appointed Official. This applies to full-time, part-time, temporary and seasonal employment. This shall not restrict nor prohibit (i.) the continued employment of

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

individuals to a position or positions with the Township where a relative of a permanent employee is elected after the date of the permanent employee's start date of employment with the Township; (ii.) the continued employment of individuals employed as of the effective date of this ordinance; or (iii.) the appointment of a family member or relative to a board or committee which performs functions of a purely advisory nature.

(2) No municipal employee shall be in a position that provides direct supervision over any family member or relative of that employee.

(3) One of the purposes of this policy is to assure that the hiring, promotion, responsibilities, oath, obligations to the public, salary, work assignments, performance, appraisals, evaluations or career progress of a person is not affected by that individual's status as a family member or relative of an Elected Official or employee of the Township. These policies are not for the purpose of depriving any citizen of an equal chance for a government job, but solely to eliminate the potential for preferential treatment of the relatives of government personnel or Elected Officials. These policies will not deprive any permanent employee as of the effective date of this ordinance of any promotional right in the normal career development nor change the existing status of any permanent employee. Nothing within this policy shall interfere with a person's right to marry.

(4) The Township reserves the right to exercise, in its sole discretion, with respect to placement, employment, transfer, reassignment or continued employment, where either an actual or perceived conflict of interest exists or will reasonably arise as well as to avoid or decrease the likelihood of sexual or other unlawful harassment in the workplace.

(5) No Elected Official may participate in the hiring of an individual who has, within the 3 years prior, made a Contribution to:

- i.) the Elected Official's Candidate Committee; or
- ii.) a Political Committee that has contributed \$1,000 or more to the Elected Official's Candidate Committee.

§ 6-1810 Promotion of Existing Employees.

(1) No Elected Official or supervisor may participate in the promotion process, or any other personnel decision, of any existing municipal employee who is a family member or relative of such Elected Official or supervisor.

(2) No Elected Official may participate in the promotion process, or any other personnel decision, of any existing municipal employee who has, within the 3 years prior, made a Contribution to:

- i.) the Elected Official's Candidate Committee; or
- ii.) a Political Committee that has contributed \$1,000 or more to the Elected Official's Candidate Committee.

§ 6-1821 Appointments. No family member or relative of an Elected Official or Appointed

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

Official shall be appointed to the position of any municipal professional who receives compensation, e.g., attorney, planner or engineer.

§ 6-183 Awarding of public contracts to certain contributors.

(1) Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional service provider if that provider has solicited or made any Contribution to the Campaign Committee of any candidate for municipal office or Elected Official having ultimate responsibility for the award of the contract, or to any Political Committee that has contributed to any such candidate's or Elected Official's Campaign Committee within one calendar year immediately preceding the date of the contract or agreement.

(2) No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Township or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting services shall solicit or make any Contribution to the Campaign Committee of a candidate for municipal office or Elected Official having ultimate responsibility for the award of the contract or to any Political Committee that has contributed to any such candidate's or Elected Official's Campaign Committee between the time of first communications between that business entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

(3) No professional service provider shall make a contribution to a Party Committee at least sixty (60) calendar days prior to any Contribution being made by a Party Committee to any Campaign Committee for a Township municipal candidate or Elected Official having ultimate responsibility for the award of a contract.

(4) For purposes of this article, a professional service provider seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; corporations; professional corporation; partnership; organization or association. The definition of a business entity includes all principals who own 1% 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.

(5) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be the Township Committee or a public officer who is responsible for the award of a contract if that public officer is appointed by the Township Committee.

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

§ 6-184 Contributions made prior to the effective date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional service provider to any municipal candidate or Elected Official, or to any Political Committee that has contributed to any such candidate's or Elected Official's Campaign 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 service provider prior to the effective date of this article.

§ 6-185 Contribution statement by professional business entity.

(1) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional service provider, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional service provider made under penalty of perjury that the bidder or offeror has not made a Contribution in violation of this article.

(2) The professional service provider shall have a continuing duty to report any violations of this article that may occur during the negotiation 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 and shall be in addition to any other certifications that may be required by any other provision of law.

§ 6-186 Penalty for Violation.

(1) All Township professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in this article, to violate this article or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries, Political Committees, or any Party Committee for the purpose of concealing or misrepresenting the source of the contribution.

(2) Any professional service provider, as defined in this article, who knowingly fails to reveal a contribution made in violation of this article, or who knowingly makes or solicits contributions through an intermediary, including but not limited to a Political Committee or Party Committee, 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 (4) calendar years from the date of the violation.

SECTION 3. Construal of Provisions. Nothing contained in this ordinance shall be interpreted to impair the right of professional service providers, as guaranteed by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the New Jersey Constitution, to exercise the right of freedom of speech.

SECTION 4. Severability. If any portion of this Ordinance is found to be invalid for

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.

any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually invalidated and shall not be deemed to affect the operation of any other portion thereof.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. Upon final passage and publication according to law, this ordinance shall become effective immediately.

Introduced: September 27, 2022

Adopted: October 25, 2022

Approved:

Kathleen Miller Prunty
Chair, Township Committee

ATTEST:

Patricia Donahue
Township Clerk

RECORDED VOTE	INTRODUCED	ADOPTED
Kathleen Miller Prunty	Aye	Aye
Brian Andrews	Aye	Aye
Jason Gareis	Absent	Aye
Gina Black	Aye	Aye
Mary O'Connor	Aye	Aye

EXPLANATION – Matter struck through ~~thus~~ in the above ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is a new matter.