

ORDINANCE 1225-2014

AN ORDINANCE REGULATING POLITICAL CONTRIBUTIONS IN THE BOROUGH OF MOUNTAINSIDE

WHEREAS, it is in the public interest and in furtherance of the policy of the Borough of Mountainside that, in addition to insuring full compliance with the New Jersey Campaign Contributions and Expenditures Act, P.L. 2005 C.271 which authorizes a municipality to enact an Ordinance to limit political campaign contributions to Borough elected officials and candidates for Borough elective office by professional business entities who may benefit from a business relation with the Borough.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNTAINSIDE, NEW JERSEY AS FOLLOWS:

Section 1. No professional business entity that submits a bid or enters into negotiations for, or agrees to any agreement or contract with the Borough for professional services, banking or insurance coverage services or any other consulting services shall make a monetary or in-kind campaign contribution in excess of \$300.00 for a primary election and \$300.00 for a general election to a candidate for or the holder of a Borough elective office or the campaign committee or political action committee of a candidate for or the holder of a Borough elective office or County of Union party committee or political municipal committee supporting such candidate or holder of a Borough elective office between one year before the start of negotiations or submittal of the bid relative to such an agreement or contract, whichever is earlier, and the termination of negotiations or the completion of the agreement or contract, whichever is later. Any group of individuals forming a professional business entity under this section, including such principals, partners, officers, their spouse and any child, parent, or sibling living in the same home of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all Borough candidates and Borough office holders, and all Borough political parties and political action committees of all Borough candidates and Borough office holders combined.

Section 2. No individual or professional business entity doing business with the Borough, included banking and insurance coverage services on any other consulting services, or any principal, partner or member of any such entity, shall make a monetary or in kind contribution in excess of \$300.00 for a primary election and \$300.00 for a general election to a candidate for or the holder of a Borough elective office or the campaign committee or political action committee of a candidate for or the holder of a Borough elective office or Union County party committee or political municipal committee supporting such candidate or holder of a Borough elective office. Any group of individuals forming a professional business entity under this section, including such principals, partners, officers, their spouse and any child, parent, or sibling living in the same home of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all Borough candidates and office holders, and all Borough political parties and political action committees of all Borough candidates and Borough office holders combined.

Section 3. An individual or professional business entity may cure a violation of Sections 1 or 2 if no later than 30 days following the day of the primary election or general election next following the date of which the contribution is made, the individual or professional business seeks and receives reimbursement of the prohibited contribution.

Section 4. An individual or professional business entity found to knowingly fail to reveal or misrepresent a monetary or in kind campaign contribution in excess of \$300.00 for a primary election and \$300.00 for a general election or a professional business entity in excess of \$2,500.00 for a primary election or for a general election, given to a candidate for or the holder of a Borough elective office or the campaign committee or political action committee of a candidate for or the holder of a Borough elective office or Union County party committee supporting such candidate or holder of a Borough elective office shall be considered to be in breach of the terms of any agreement or contract between that professional business entity and the Borough then in effect and shall be subject to the penalties prescribed in Section 5 and any other penalties prescribed by law.

Section 5. An individual or professional business entity found to be in violation of Sections 1, 2, 3, or 4 will be disqualified from eligibility for future contracts, agreements or development applications with the Borough for a period of four (4) calendar years from the date of the determination of the violation by the Borough Council and in addition shall have any contract or agreement with the Borough then in effect terminated immediately.

Section 6. All monetary or in kind contributions made by any individual or professional business entity as defined under this ordinance shall be deemed a violation of this ordinance if that contribution was made before the effective date of this ordinance. Any individual or professional business entity as defined in Sections 1 or 2 shall provide a sworn statement to the governing body that a political contribution has not been made in violation of the provisions of this ordinance and this shall be a continuing obligation during the duration of the contract or development application as appropriate.

Section 7. The Borough Clerk shall provide a candidate for elective office with a copy of this ordinance at the time such candidate requests a petition for said office.

Section 8. All ordinances or parts of this ordinance inconsistent with the provisions of this ordinance shall be the same are hereby repealed.

Section 9. If any section, paragraph, subdivision or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 10. This ordinance shall take effect upon final passage and publication as provided by law.