

ORDINANCE NO. 2015-26

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER IX, CONFLICTS OF INTEREST
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR,
IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, on July 28, 2004, the Borough of Belmar enacted what is known as the "Belmar Pay-to-Play Reform Law" which ordinance imposed limits on campaign contributions and related campaign financing restrictions and restrictions upon elected officials; and

WHEREAS, the Mayor and Borough Council believe that certain restrictions have been shown to be too restrictive upon elected officials in the discharge of their duties to the public and wish to change those provisions.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Belmar, County of Monmouth, New Jersey, that Chapter IX, Conflicts of Interest, of the Revised General Ordinances of the Borough of Belmar, are hereby amended and supplemented as follows:

Section I. Chapter IX, Conflicts of Interest is hereby amended as follows:

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:

~~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~~

Additions are indicated by underline; and, deletions by ~~strikeout~~.

~~relating to, or cast any vote with respect to any development matter with respect to which the development professional has performed any professional service.~~

~~e. 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.~~

9-4 Reserved.

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.~~

9-5 Reserved.

**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 three hundred ~~zero~~ \$300.00 ~~(\$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.~~

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.~~

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 upon conviction of the same, ~~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.~~

SECTION II. If any section, paragraph, subdivision, clause 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 III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.