

§ 4-2. CODE OF ETHICS.

§ 4-2.1. Short Title. [1999 Code § 2.80.010]

This section shall be known and may be cited as the "Edison Township Code of Ethics."

§ 4-2.2. Findings. [1999 Code § 2.80.020]

The Township Council finds and declares that:

- a. Public office and employment are a public trust;
- b. The vitality and stability of representative democracy depend on the public's confidence in the integrity of its elected and appointed representatives;
- c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled; and
- d. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties.

§ 4-2.3. Purpose and Authority. [1999 Code § 2.80.030]

- a. It is the purpose of this section to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the Township shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.
- b. It is the further purpose of this section to implement the provisions of the Local Government Ethics Law, P.L. 1991 c. 29, N.J.S.A. 40A:9-22.1 et seq.
- c. This section is enacted under the authority of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., and under further authority granted to the Township under the provisions of Title 40 and 40A of the New Jersey Statutes.

§ 4-2.4. Definitions. [1999 Code § 2.80.040]

As used in this section:

AGENCY — Means any agency, board, Governing Body, Mayor, office, commission or other instrumentality within the Township, and any independent local authority created by or appointed under the authority of the Township, which performs functions other than of a purely advisory nature.

BUSINESS ORGANIZATION — Means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

EMPLOYEE — Means any person, whether compensated or not, whether part-time or full-time, employed by or serving on a Township agency who is not a local government officer.

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INTEREST — Means the ownership or control of more than ten (10%) percent of the profits, assets or stock of a business organization but shall not include the control of assets in a nonprofit entity or labor union.

MEMBER OF IMMEDIATE FAMILY — Means the spouse or dependent child of an officer or employee residing in the same household.

OFFICER — Means any person, whether compensated or not, whether part-time or full-time, who:

- a. Serves on a local government agency which has the authority to approve development applications or grant zoning variances;
- b. Is a member of an independent municipal authority; or
- c. Is a managerial, executive or confidential employee of the Township, as defined in N.J.S.A. 34:13A-3.

§ 4-2.5. Applicability. [1999 Code § 2.80.050]

The provisions of this section shall apply to all employees, elected officials and appointed officials of the Township.

§ 4-2.6. Financial Disclosure Statements. [1999 Code § 2.80.060]

- a. All officers of the Township, as defined in subsection 4-2.4, shall annually file a financial disclosure statement. A list of all such officers by title shall be prepared by the Business Administrator and adopted annually by resolution of the Council no later than its second meeting of the year. All financial disclosure statements shall include the following information which shall specify, where applicable, the name and address of each source and the officer's job title:
 1. Each source of income, earned or unearned, exceeding two thousand (\$2,000.00) dollars received by the officer or a member of his or her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported unless the local government officer or member of his or her immediate family has an interest in the business organization;
 2. Each source of fees and honorariums having an aggregate amount exceeding two hundred fifty (\$250.00) dollars from any single source for personal appearances, speeches or writings received by the local government officer or a member of his or her immediate family during the preceding calendar year;
 3. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding four hundred (\$400.00) dollars from any single source, excluding relatives, received by the local government officer or a member of his or her immediate family during the preceding calendar year;
 4. The name and address of all business organizations in which the local government officer or a member of his or her immediate family held an interest during the preceding

calendar year; and

5. The address and brief description of all real property in the state in which the local government officer or a member of his or her immediate family held an interest during the preceding calendar year.
- b. The Township Ethics Board shall prescribe a financial disclosure statement form for filing purposes. If a financial disclosure statement form has been promulgated by the New Jersey Local Finance Board, in accordance with the New Jersey Local Government Ethics Law, then that form shall be used. The Ethics Board shall make the forms available to the officers and employees required to file a financial disclosure statement.
- c. The original statement shall be filed with the Township Clerk within ninety (90) days after the effective date of this section or the effective date of the New Jersey Local Government Ethics Law, whichever shall first occur. All subsequent statements shall be filed on or before April 30th of each year. A copy of the statement shall be filed with the Edison Township Ethics Board.
- d. All financial disclosure statements filed shall be public records.

§ 4-2.7. Edison Township Ethics Board. [1999 Code § 2.80.070]

- a. There shall be established the Edison Township Ethics Board consisting of six (6) members who shall be residents of the Township. The members of the Board shall be appointed by the Township Council. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three (3) members of the board shall be of the same political party. No one may be appointed a member if he or she has been a county committee person during a twenty (20) month period prior to appointment.
- b. The members of the Edison Township Ethics Board shall annually elect a chairperson from among the membership.
- c. The members shall serve for a term of five (5) years; except that of the members initially appointed, two (2) of the public members shall be appointed to serve for a term of five (5) years, one (1) member shall be appointed to serve for a term of four (4) years, and the remaining members shall be appointed to serve for a term of three (3) years. Each member shall serve until his or her successor has been appointed and qualified. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the unexpired term.
- d. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties under this section.
- e. All hearings required pursuant to this section shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the Administrative Procedures Act, N.J.S.A. 52-14B-1 et seq.
- f. In the event a hearing is to be held, the officer or employee charged with violation of this section shall be accorded due process of law, including but not limited to the following:

1. Right to counsel;
2. Right to pre-hearing discovery;
3. Right to take sworn oral and written testimony from any person;
4. Reasonable notice of hearing;
5. Right to subpoena persons and documents;
6. Right to make stenographic record of the hearing;
7. Right of examination and cross-examination.

§ 4-2.8. Adoption of a Code of Ethics. [1999 Code § 2.80.080; New]

Officers and employees serving a Township independent authority shall be deemed to be serving the Township for purposes of this section. The Edison Township Ethics Board shall adopt a code of ethics, the provisions set forth in N.J.S.A. 40A:9-22.1 et seq., shall serve as the code of ethics.

§ 4-2.9. Powers of the Edison Township Ethics Board. [1999 Code § 2.80.090]

The Edison Township Ethics Board shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of municipal code of ethics or financial disclosure requirements by local government officers or employees serving the Township;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- c. To forward to the county prosecutor or the attorney general or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving the Township which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the attorney general;
- d. To render advisory opinions to local officers or employees serving the Township as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements;
- e. To enforce the provisions of the code of ethics and financial disclosure requirements with regard to officers or employees serving the Township and to impose penalties for the violation thereof as are authorized by this section; and
- f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this section.

§ 4-2.10. Advisory Opinions. [1999 Code § 2.80.100]

- a. An officer or employee of the Township may request and obtain from the Edison Township Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its

opinion constitute a violation of the code of ethics or any financial disclosure requirements.

- b. Advisory opinions shall not be made public, except when the Board by the vote of two-thirds (2/3) of all of its members directs that the opinion be made public.
- c. Public advisory opinions shall not disclose the name of the officer or employee requesting the opinion unless the Board in directing that the opinion be made public so determines.

§ 4-2.11. Complaints. [1999 Code § 2.80.110]

- a. The Edison Township Ethics Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of the Township serving the Township is in conflict with the code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within thirty (30) days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.
- b. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.
- c. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee of the Township against whom the complaint was filed.
- d. If the Board shall conclude that the complaint is within its jurisdiction and has at least a minimal factual basis, the Board shall notify the officer or employee of the Township against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.
- e. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he or she wishes.
- f. Thereafter, if the Board determines that a reasonable doubt exists as to whether the officer or employee of the Township is in compliance with the municipal code of ethics or any financial disclosure requirements, the Board shall conduct a hearing concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee.
- g. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds (2/3) of all members of the Board. The Board shall notify in writing the complainant and the officer or employee within thirty (30) days of its decision.
- h. If the Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limits of this section.

§ 4-2.12. Facilities and Staff. [1999 Code § 2.80.120]

- a. The Mayor shall provide the Township Ethics Board with the facilities needed for the

conduct of its business and the preservation of its records, and shall supply equipment and supplies as may be necessary and as may be provided for in the annual municipal budget.

- b. All necessary expenses incurred by the Township Ethics Board and its members shall be paid, upon certification of the chairperson of the Board, by the Township Director of Finance within the limits of funds appropriated in the annual budget or by emergency appropriations for those purposes.
- c. The Township Ethics Board may request and receive assistance from Township officers and employees, including the Township Clerk and the Township Attorney and may appoint employees, including independent counsel, and clerical staff as are necessary to carry out the provisions of this section within the limits of funds appropriated by the Township Council for those purposes in the annual budget.

§ 4-2.13. Records of the Edison Township Ethics Board. [1999 Code § 2.80.130]

All statements, complaints, requests or other written materials filed pursuant to this section, and any rulings, opinions, judgments, transcripts, or other official papers prepared pursuant to this section shall be preserved for a period of five (5) years from the date of filing or preparation, as the case may be.

§ 4-2.14. Violations; Penalties. [1999 Code § 2.80.140]

- a. An appointed officer or employee of the Township found guilty by the Edison Township Ethics Board of the violation of any provision of this section or any code of ethics in effect pursuant to this section, shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq. The Edison Township Ethics Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employer and may recommend that further disciplinary action be taken.
- b. An officer or employee of the Township found guilty by the Edison Township Ethics Board of the violation of any provision of this section or of any code of ethics in effect pursuant to this section, shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.).
- c. The finding by the Edison Township Ethics Board that an appointed officer or employee of the Township is guilty of the violation of the provisions of this section, or of any code of ethics in effect pursuant to this section, shall be sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline.