

§ 145-1. Declaration of policy; findings.

"No man can serve two masters nor should he attempt to do so." Public office and employment are public trusts. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled. 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. The governing body of the Township of Old Bridge declares that all citizens should be treated with courtesy, impartiality, fairness and equality. Public officials should avoid actual and potential conflicts between their private self-interest and the public interest.

§ 145-2. Purpose and authority.

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

§ 145-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENCY — Any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the Township of Old Bridge, and any independent local authority created by or appointed under the authority of the Township of Old Bridge, which performs functions other than of a purely advisory nature.

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

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

INTEREST — The ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a nonunion profit entity or labor union.

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

OFFICER —

- A. Any person, whether compensated or not, whether part-time or full-time, who is one of the following:
 - (1) Mayor.

- (2) Member of the Township Council.
- (3) Business Administrator.
- (4) Department head.
- (5) Chief of Police.
- (6) Deputy Chief of Police.¹
- (7) Tax Assessor.
- (8) Chief Financial Officer.
- (9) Township Clerk.²
- (10) Consultant engineers and planners.³
- (11) Assistant Township Attorney.
- (12) Township Prosecutor.
- (13) Planning Board member.
- (14) Planning Board Attorney.
- (15) Zoning Board of Adjustment member.
- (16) Zoning Board of Adjustment Attorney.
- (17) Rent Board member.
- (18) Rent Board Attorney.
- (19) Construction Code Officer.
- (20) Plumbing Inspector.
- (21) Municipal Utilities Authority member.
- (22) Municipal Utilities Authority Engineer.
- (23) Municipal Utilities Authority Attorney.
- (24) Municipal Utilities Authority Executive Director.
- (25) Library Board member.
- (26) Director of Township Library.
- (27) Ethical Standards Board.
- (28) Housing Authority.
- (29) Cable TV Committee.

1. Editor's Note: The positions of Captain and Lieutenant, which previously followed this subsection, were repealed 5-13-1996 by Ord. No. 22-96.
2. Editor's Note: The position of Township Auditor, which previously followed this subsection, was repealed 5-13-1996 by Ord. No. 22-96.
3. Editor's Note: The position of Municipal Judge, which previously followed this subsection, was repealed 6-23-1997 by Ord. No. 25-97.

(30) Channel 29 Personnel.

(31) Tax Collector. **[Added 10-27-1997 by Ord. No. 36-97]**

- B. Any other person who is a managerial executive or confidential employee, as defined in § 3 of the "New Jersey Employer-Employee Relations Act," N.J.S.A. 34:13A-3, of the Township of Old Bridge or of an agency created under the authority of or appointed by the Township of Old Bridge.
- C. "Local government officer" shall not mean any employee of a school district or member of the school board.

OFFICER or EMPLOYEE — An officer or employee of the Township of Old Bridge or of an agency under the authority of or appointed by the Township of Old Bridge.

§ 145-4. Promulgation of Municipal Code of Ethics; statement of ethical principles.

While it is recognized that the Old Bridge Township Ethical Standards Board created by this chapter is vested with authority to promulgate the Municipal Code of Ethics for all local government officers and employees, the Township Council intends to state ethical principles which it believes should be incorporated in the Code of Ethics by adopting resolution(s) from time to time expressing the view of the Council.

§ 145-5. Financial disclosure statements.

- A. Officers of the Township shall annually file a financial disclosure statement. 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 \$2,000 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 as sources of income. If a publicly traded security is the source of income, the security need not be 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 \$250 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 \$400 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 had 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 of Old Bridge Ethical Standards 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,⁴

then that form shall be used. The Township Clerk 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 on or before April 30th of each year. A copy of the statement shall be filed with the Township of Old Bridge Ethical Standards Board.
- D. All financial disclosure statements filed shall be public records.

§ 145-6. Township Ethical Standards Board established; hearings.

- A. There is hereby established the Township of Old Bridge Ethical Standards Board consisting of six members who are residents of the Township, at least two of whom shall be public members. 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 members of the Board shall be of the same political party. **[Amended 9-9-2013 by Ord. No. 2013-17]**
- B. The members of the Township of Old Bridge Ethical Standards Board shall annually elect a Chairperson from among the membership.
- C. The members shall serve for a term of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for terms of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for terms of three 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. **[Amended 9-9-2013 by Ord. No. 2013-17]**
- 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 chapter.
- E. All hearings required pursuant to this chapter 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 Procedure 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 a violation of this chapter shall be accorded due process of law, including but not limited to the following:
 - (1) Right to counsel.
 - (2) Right to prehearing 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.

§ 145-7. Facilities and staff.

- A. The Mayor shall provide the Township of Old Bridge Ethical Standards 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 of Old Bridge Ethical Standards 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 of Old Bridge Ethical Standards 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 chapter within the limits of funds appropriated by the Township Council for those purposes in the annual budget.

§ 145-8. Adoption of Code of Ethics.

- A. Within 90 days after the appointment of the Township of Old Bridge Ethical Standards Board, the Board shall promulgate by resolution a Code of Ethics for all officers and employees serving the Township. Officers and employees serving a Township independent authority shall be deemed to be serving the Township for purposes of this chapter. Until such time as the Township of Old Bridge Ethical Standards Board shall have adopted a Code of Ethics, the provisions set forth in § 145-4 shall serve as the Code of Ethics.
- B. The Code of Ethics promulgated by the Board shall be either identical to the provisions set forth in N.J.S.A. 40A:9-22.5 or more restrictive, but shall not be less restrictive.
- C. Within 15 days following the promulgation thereof, the Code of Ethics, and a notice of the date of the public hearing to be held on the Code of Ethics, shall be published in the newspaper designated for the publication of official notices for the Township and shall be distributed to the Township Clerk and to the Mayor for circulation among the officers and employees serving the Township.
- D. The Township of Old Bridge Ethical Standards Board shall hold a public hearing on the Code of Ethics not less than 30 days following its promulgation at which any officer or employee of the Township and any other person wishing to be heard shall be permitted to testify.
- E. As a result of the hearing, the Board may amend or supplement the Code of Ethics as it deems necessary.
- F. If the Code of Ethics is not identical to the provisions set forth in N.J.S.A. 40A:9-22.5, the Old Bridge Township Ethical Standards Board shall, as required by law, submit the Code of Ethics to the New Jersey Local Finance Board for approval.
- G. If the Board fails to act within 60 days of the submission, the Code of Ethics shall be deemed approved.
- H. A Code of Ethics requiring approval by the New Jersey Local Finance Board shall take effect 60 days after approval by the Commission.
- I. A Code of Ethics identical to the provisions set forth in N.J.S.A. 40A:9-22.5 shall take effect 10 days after the public hearing.
- J. The Board shall forward a copy of the Code of Ethics to the Township Clerk and shall make copies

available to officers and employees serving the Township.

§ 145-9. Powers of Ethical Standards Board.

The Ethical Standards Board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the 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 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 authorized by this chapter; and
- F. To adopt rules and regulations and do other things as are necessary to implement the purposes of this chapter.

§ 145-10. Advisory opinions.

- A. An officer or employee of the Township of Old Bridge may request and obtain from the Old Bridge Township Ethical Standards 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 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 unless the Board in directing that the opinion be made public so determines.

§ 145-11. Complaints.

- A. The Old Bridge Township Ethical Standards Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of the Township of Old Bridge serving the Township is in conflict with the Code of Ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 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 of Old Bridge 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 of Old Bridge 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. If the Board determines that a reasonable doubt exists as to whether the officer or employee of the Township of Old Bridge is in conflict with the Municipal Code of Ethics or any financial disclosure requirements, the Board shall conduct 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 of all members of the Board.
- H. If the Board determines that the officer or employee is in conflict with the Code of Ethics or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limits of this chapter.

§ 145-12. Enforcement; violations and penalties.

- A. An appointed officer or employee of the Township of Old Bridge found guilty by Old Bridge Township Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. The Old Bridge Township Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.⁵
- B. An elected officer or employee of the Township of Old Bridge found guilty by the Old Bridge Township Ethical Standards Board of the violation of any provision of this chapter or of any Code of Ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq.⁶
- C. The finding by the Old Bridge Township Ethical Standards Board that an appointed officer or employee of the Township of Old Bridge is guilty of the violation of the provision of this chapter, or of any Code of Ethics in effect pursuant to this chapter, 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.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

§ 145-13. Records of Ethical Standards Board.

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