

CITY COUNCIL
City of Orange, New Jersey
ORDINANCE

Date June 3, 1981

Subject No. 1942

Number MCD 20-81

TITLE: AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR EMPLOYEES, ELECTED AND APPOINTED OFFICIALS OF THE CITY OF ORANGE.

WHEREAS, the City Council Standing Committee on Governmental Operations has drawn up a Code of Ethics for employees, elected and appointed officials of the City of Orange;

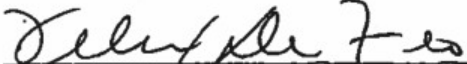
WHEREAS, the revised Statutes of New Jersey (R.S. 40:69A-181 et. seq.) permits and provides that any municipal ordinance and/or amendment thereto may incorporate by reference any standard, technical regulation or code, official or unofficial, which need not be so published whenever ten (10) copies of said regulations or code have been placed on file in the office of the City Clerk and in the office of the department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

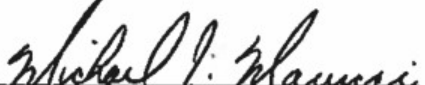
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE that a Code of Ethics for employees, elected and appointed officials of the City of Orange be and is hereby adopted by reference in accordance with R.S. 40:69A-181 et. seq.

BE IT FURTHER ORDAINED that any ordinance or ordinances inconsistent with this ordinance are hereby repealed, but only to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication according to law.

Adopted: June 3, 1981


Felix De Feo, City Clerk


Michael J. Marucci, Council President

Approved: Vetoed June 11, 1981

Joel L. Shain

Motion to override veto: Brown
Seconded: Council Pres. Marucci

Yeas: Brown, Detore, Juliano, Monacelli
Varanelli, Council Pres. Marucci

Nays: Jones

STATEMENT

Purpose: to set a code of ethics for City employees, elected and appointed officials .

Fiscal Impact: NONE

Motion: Detore Seconded: Varanelli
Yeas : Brown, Detore, Juliano, Varanelli, Council Pres. Marucci
Nays : None
Absent: Jones, Monacelli

APPROVED AS TO FORM, SUFFICIENCY AND LEGALITY


D R A F T

A
Code of Ethics
For Employees,
Elected and Appointed Officials
of the
City of Orange

Recommendations and Findings
of the
City Council Standing Committee
on
Governmental Operations

Councilman Bob Detore, Chairman
Councilman James Brown
Councilwoman Patricia Juliano

Howard Bragg
Nathaniel Coleman
Matthew DeRosa
Michael Rizzutto

"An Ordinance to establish a Code of Ethics for employees, for elected and appointed officials of the City of Orange, including members of Boards and Commissions, and providing penalties for the violation thereof."

WHEREAS, all officials and employees, both elected and appointed, of the City of Orange occupy positions of public trust and must discharge their duties in the sole interest of the public for whom they act and to whom they are accountable; and

WHEREAS, the public judges its government by the manner in which such public officials and employees conduct themselves; and

WHEREAS, the public has a right to expect every such official and employee to act in a manner that will enhance and promote public confidence in and respect for the government, which confidence and respect is the cornerstone of a democratic society; and

WHEREAS, the City Council believes that one way in which these goals can be advanced is by the adoption of a Code of Ethics to establish standards of conduct for all officials and employees of the City of Orange;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Definitions.

"Official" shall mean and include the Mayor, Councilpersons, City Clerk, Business Administrator, City Treasurer, Tax Collector, Tax Assessor, City Attorney and all legal assistants, Department Heads, Chiefs of Fire and Police, City Engineer and all members of Boards and Commissions regardless of whether or not such official is compensated for his or her services.

(b) "Employee" shall mean any person employed by the City

of Orange, whether in a full or part time capacity.

(c) "Financial Interest" shall mean any interest which might yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his services to the City) to the official or to any person employing or demanding the services of this official.

(d) "Personal Interests" shall mean any interest arising from blood or marriage relationships or from close business association whether or not any financial interest is involved.

(e) "Person" shall mean any person, firm, association, group, partnership, or corporation or any combination thereof.

Section 2: Conflict of Interest

(a) No official or employee elected or appointed in the municipality shall be interested, directly or indirectly, in any contract with the municipality or in the compensation for work done or for materials or supplies furnished to the municipality, nor shall he participate in any profits of such contractor or other person furnishing the same to the municipality, nor shall he participate in any profits of such contractor or other person or receive any compensation, commission, gift or other reward for his services except the salary or fees established by law or by ordinance or resolution of the governing body.

(b) No official or employee elected or appointed in the municipality shall accept or solicit anything of value as consideration for or in connection with the discharge of his official duties other than the fee or compensation prescribed pursuant to law.

(c) No official or employee elected or appointed in the

municipality either on his own behalf or on behalf of any other person, shall have any financial or personal interest in any matter before any public body in the municipality unless he shall first make full public disclosure of the nature and extent of such interest.

(d), Whenever, in the performance of official duties, an official, elected or appointed in the municipality shall be required to deliberate and vote on any matter involving his financial or personal interest, he shall publicly disclose the nature and extent of such interest and shall disqualify himself from participating in the deliberation as well as voting, if so required by law.

(e) No official or employee elected or appointed in the municipality shall engage in private employment with, or render services for, any private person who has business before, or transactions with, any public body of the municipality unless he shall first make full public disclosure of the nature and extent of such employment or service.

(f) No official or employee elected or appointed in the municipality shall appear on behalf of any private person, other than himself, before any public body in the municipality.

(g) No official or employee elected or appointed in the municipality shall accept any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official or employee.

(h) No official or employee elected or appointed in the municipality shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the municipality.

(i) No official or employee elected or appointed in the municipality shall use or permit the use of any such confidential information to advance the financial or personal interest of

himself or any other person.

(j) No official or employee elected or appointed in the municipality shall request, use or permit the use of, any public property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Section 3. Financial Disclosure

The following officials and employees, elected or appointed shall comply with the disclosure requirements of this section:

- (a) All elected officials
- (b) All Department Heads
- (c) Business Administrator
- (d) Chief of Police
- (e) Fire Chief
- (f) City Attorney and all legal assistants
- (g) Tax Collector
- (h) Tax Assessor
- (i) Member of Planning Board and Attorney
- (j) Members of Zoning Board and Attorney
- (k) Members of Rent Leveling Board and Attorney
- (l) Purchasing Agent
- (m) Health Officer
- (n) Controller
- (o) Members of the Board of Ethics

Section 4. Filing of Disclosure Statements

The above enumerated officials or employees, elected or appointed, shall file with the Board of Ethics and the City Clerk in accordance with the terms and provisions of this

Ordinance:

(a) The addresses of any real property in the City in which such officials or employee has a direct or indirect interest, and whether such interest is by way of ownership, leaseholder or otherwise.

(b) A list of his or her offices, directorships, salary, employment of said official or employee or any member of his immediate family which involves directly or indirectly a business, partnership or corporation which directly or indirectly does business with the City.

(c) A list and/or description of the source of annual income over \$1,000.00 of the elected or appointed official or employee or member of immediate family living in the same household.

(d) A list to be provided by the subject parties of this Ordinance of all ownership of holdings, direct or indirect, in the stock of any business in Orange or any other commercial venture engaged in business activities in Orange whether or not said venture is located in the City.

(e) Within 90 days of the adoption of this Ordinance and thereafter on or before January 31st of each subsequent year, the above mentioned disclosure statement must be filed with the City Clerk and the Board of Ethics hereinafter described.

(f) No City official or employee covered by this ordinance shall be allowed to take the oath of office or enter or continue upon his duties, nor shall he receive compensation from public funds, unless he has filed the statements with the Board of Ethics as required by this ordinance.

(g) Any disclosure or statement filed pursuant to the terms and provisions of this Ordinance shall be deemed a public record. In the case of an appointment to a new position or the appointment to fill a vacancy, the person so appointed shall file his or her disclosure statement within 90 days of the making of such appointment. If, subsequent to the filing of a

disclosure statement as herein provided, the disclosure statement requires amendment such amendment shall be filed forthwith with the appropriate person or body herein enumerated.

Section 5. Board of Ethics

(a) There is hereby created and established a Board of Ethics which shall consist of seven members at least one of which shall be a member of the clergy, one an attorney and one an accountant. The members of the Board of Ethics shall be appointed by the Mayor with the advice and consent of at least two-thirds of the City Council and shall serve without compensation.

(b) Members of the Board shall serve for terms of three years except that of the members first appointed.

- (1) Three members shall serve for three years;
- (2) Two members shall serve for two years;
- (3) Two members shall serve for one year.

(c) No individual shall be appointed for two three year successive terms.

(d) No individual, while a member or employee of the Board shall:

- (1) Hold or campaign for any other public office;
- (2) Hold office in any political party or political committee;
- (3) Be employed by the City;
- (4) Reside outside the boundaries of the City;
- (5) Directly or indirectly attempt to influence any decision by a City body, other than as a representative of the Board on a matter within the jurisdiction of the Board.

(e) No individual shall accept appointment to, or employment with the Board while any member of the individual's household is an employee of the City.

(f) (1) The Council shall declare vacant the position, on the Board, of any member who takes part in activities prohibited by sub-sections "d" and "e" of this section;

(2) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds and is eligible for appointment to one three year term thereafter;

(3) Any vacancy occurring on the Board shall be filled within thirty (30) days by appointment of the Mayor with the advice and consent of at least two-thirds of the City Council.

(g) (1) The Board shall elect a chairperson and a vice-Chairperson. The vice-chairperson shall act as Chairperson in the absence of Chairperson or in the event of a vacancy in that position.

(2) This election shall be held annually upon constitution of the new Board.

(h) (1) Four members of the Board shall constitute a quorum, the necessary quorum shall include at least two members required by section 5

(a) and a vote of the majority of the members present is required for any action.

(b) any recommendation to the Council requires five affirmative votes of the Board. A recommendation

by the majority may also be accompanied by a minority group report as may be required by subsequent judicial review.

(2) The chairperson or any four members of the Board may call a meeting, provided that ten days written notice is mailed to each member and to any person who requests notice of such meetings.

(i) At least one member of the City Council shall be appointed liaison to the Board by appointment of the City Council President.

Section 6. Duties of Board of Ethics

In addition to other duties prescribed by law, the Board shall:

A. Prescribe procedures necessary for the implementation of this ordinance, subject to council approval.

B. Prescribe forms for statements and reports required to be filed by this act and make available such forms to persons required to file such statements and reports, subject to council approval.

C. Make statements and reports filed with the Board available through the City Clerk for public inspections and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

D. Review all statements and reports filed with the Board in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement.

E. Issue, upon request and publish advisory opinions on the requirements of this ordinance; any opinion rendered by the Board, until amended or revoked, shall be binding on the Board on any subsequent charges concerning the person who

requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or mistated by the person in request of the opinion. Act as the primary advisory agency of the Council for enforcement of civil and criminal violation of the provisions of this ordinance.

F. Prepare and submit to Council an annual report summarizing the activities of the Board.

G. Upon a complaint signed under penalty of perjury by any person or upon its own motion the Board shall investigate any alleged violation of this ordinance as prescribed in Section 2.

Section 7. Board Hearings and Investigations

A. Upon the sworn complaint filed with the Board by any person alleging facts which constitute a violation of this ordinance, the Board shall notify the accused, provide a copy of the complaint immediately, and conduct a preliminary investigation of the charge within thirty days, but not less than fifteen days. In the event the Board shall conclude there is no reasonable cause to believe there has been a violation of this ordinance; it shall so notify the complaining party and the accused and shall record its decision in the official minutes of the Board.

B. In the event the Board's preliminary investigation finds reasonable cause to believe that there has been a willful violation of this ordinance, the Board shall conduct hearings, including sworn testimony as required. The Ethics Board shall conduct a private or public hearing, as per the request of the person named in the Complaint or affording the person named in such complaint with the elements of due process of law, including but not limited to the following:

1. Reasonable notice of hearing;
2. Officer or employee shall have a right to have his counsel present at said hearing;
3. Prehearing discovery;
4. Right to subpoena persons and documents;
5. Stenographic record of the hearing;
6. Right to examination and cross-examination.

C. AS soon as practicable after the conclusion of said hearing but not later than thirty (30) days, the Board shall render an advisory opinion to the City Council with regard to its findings, with a copy being sent to both the accused and the complainant.

Section 8. Sanctions for violations of standards of ethical conduct

Any officer or employee elected or appointed in the municipality who violates any provision of this article or any Statute or other ordinance relating to conflict of interest shall be deemed guilty of misconduct in office and liable to removal from office thereafter in accordance with law. Any such officer or employee who shall knowingly permit any provision of this Article to be violated in any Statute or other ordinance relating to conflict of interest to be violated by any of his subordinates shall be deemed guilty of misconduct in office and liable to removal from office thereafter. The sanctions provided hereinabove shall be supplemental and additional to those sanctions which presently exist under the Code of the City of Orange.

In the event the City of Orange Council shall make a determination that the conduct of any officer or employee was improper under the provisions of this Chapter- It may be based upon

written findings of fact and conclusions based thereon, after a hearing and pursuant to procedures conforming with law, censure, suspension, demote or remove the official or employee from office. In the event the accused is a Council member, that Council member shall not take part in the deliberations of the Council, but shall absent himself or herself from the proceedings during the course of said deliberations, and shall not be eligible to vote on any decision to be rendered by the City Council.

The City Council shall enforce and be responsible for compliance with the Code and shall conduct all necessary proceedings and hearings required by law and the Administrative Code.

Section 9. Candidates for Public Office

In order to conform to this Code of Ethics, candidates for Mayor and City Council shall be informed of the contents of this ordinance at the time petitions are filed.

Section 10. Public records

All books, maps, papers, accounts, statements, vouchers, and other documents acquired or produced in any municipal department shall be carefully and conveniently filed, kept and preserved, and be and remain the sole property of the municipality, and shall not at any time be removed from the offices of such department except when required for use in the official business of the municipality and shall then be returned to such office without delay. Each municipal official shall be responsible for assuring that the requirements of this subsection are complied with in respect to his particular office. This subsection shall be subject to the provision of "Destruction of Public Records Law (1953)."

(N.J.S.A. 47:3-15 et seq.)

All public documents and records of the municipality shall, during office hours, be subject to public search, inspection or examination, subject to and within the limitations prescribed by law provided that such search, inspection or examination does not interfere with the orderly operation of the municipality.

Section 11. Non-Exemption from Libel and Slander Laws.

Any person filing charges pursuant to this ordinance shall not be exempt from the libel and slander laws of the State by reason of such filing.

Section 12. Severability

In any of part or parts of this Ordinance and, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 13.

This ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Affidavit of Publication

State of New Jersey, County of Essex, ss:

On this2.....day of...July.....1981.....
personally appeared before the undersigned within and for said
county and state.....JOAN M. KENNY.....

.....of The Orange
Transcript, a newspaper published at Orange, County of Essex, State
of New Jersey, who, being duly sworn, states on oath that the annexed
notice was published in said newspaper in its issues of.....

JUNE 25, 1981

Joan M. Kenny

Subscribed and sworn to before me this.....2.....
day of.....July.....1981.....

Nancy J. Worrall

Notary Public

NANCY J. WORRALL
A NOTARY PUBLIC IN NEW JERSEY
My Commission Expires Jan. 17, 1984

LEGAL NOTICE
PASSED ORDINANCE
CITY OF ORANGE, NEW JERSEY
PUBLIC NOTICE
Public Notice is hereby given that
Ordinance No. MCD 20-81
AN ORDINANCE TO ADOPT A CODE
OF ETHICS FOR EMPLOYEES, ELECTED
AND APPOINTED OFFICIALS OF THE
CITY OF ORANGE
was voted by the Mayor and overrid-
den by the City Council at a regular
meeting of said body, held on June 16,
1981.
Felix De Feo
Municipal Clerk
OT-6 June 25, 1981 \$3.36