

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

R E S O L U T I O N #13-49

**A RESOLUTION ESTABLISHING BYLAWS OF
THE HOPEWELL TOWNSHIP COMMITTEE
RULES OF PROCEDURE AND CONDUCT OF BUSINESS**

BE IT RESOLVED, on this 28th day of January 2013, by the Township Committee of the Township of Hopewell, County of Mercer, New Jersey, that meetings of the Hopewell Township Committee, as provided for in Chapter II. "Administration," Section 2-1.6 of the Revised General Ordinances of the Township of Hopewell, New Jersey (1978) shall be conducted in the following manner:

1. Quorum. The majority of the whole number of the members of the Township Committee shall constitute a quorum and no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of the quorum of the Township Committee.

2. Order of Agenda. The township committee agenda shall have the following order of business:

- A. Call meeting to order and statement of proper notice by mayor;
- B. Roll call by municipal clerk;
- C. Pledge of allegiance and salute to the flag;
- D. Review and approval of minutes;
- E. Additional items for meeting agenda (by vote of a majority of the quorum);
- F. Committee member and staff reports;
- G. Comments from members of the public;
- H. Ordinance final hearings, public hearings and adoption;
- I. Ordinance introduction and first reading;
- J. Consent agenda (contains items of a routine nature, which are approved by a single vote);
- K. Resolutions;
- L. Future agenda items (members of the township committee may suggest future agenda items at this time; members of the public may do so in accordance with Sec. 2-1.6(a) of the Township Code);
- M. Work session (comments from the audience usually not permitted);
- N. Additional comments from the audience (if time permits);
- O. Executive session resolutions (if necessary) for items that may be discussed in closed session as defined by the New Jersey Open Public Meetings Act);
- P. Adjournment not later than 10:30 pm

3. Rules of Debate.

- A. The mayor shall be the presiding officer of the meeting. In the absence of the mayor, the deputy mayor shall be the presiding officer. In the absence of the mayor and deputy mayor, the next most senior member of township committee shall be the presiding officer. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members of township committee and shall not be deprived of any rights or privileges of a township committee member by reason of acting as presiding officer.

- B. Every member of the township committee or public desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine him or herself to the question under discussion.
- C. A member of the township committee, once recognized, shall not be interrupted when speaking unless it be to call him or her to order, or as herein otherwise provided. If a member of township committee, while speaking, is called to order, he or she shall cease speaking until the question of order is determined. If the member is in order, he or she shall be permitted to proceed. The presiding officer may limit the length of comments made by any member of Township Committee.
- D. A member of the township committee moving the adoption of an ordinance or resolution shall have the privilege of closing debate.
- E. The clerk shall enter into the minutes a synopsis of the discussion about any question coming before the township committee.
- F. A member of the township committee may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the township committee entered into the township minutes.
- G. A motion to adjourn shall always be in order and shall be decided without debate.
- H. Any matter not covered by these by-laws or other relevant laws shall be governed by the latest edition of Roberts Rules of Order. The Roberts Rules of Order shall be utilized, if necessary, by the township committee and shall not be invoked by members of the public.
- I. On a roll call vote, the township committee shall vote alphabetically with the presiding officer voting last. During the course of a vote on a given matter, each member of Township Committee shall be permitted to succinctly set forth on the public record his or her position prior to casting his or her vote. In allowing these comments before a committee person votes, the presiding officer shall allow for the aforementioned comments, even if said comments will express a minority view on a given issue.
- J. When recognizing members of the public wishing to speak on matters on the township committee agenda or items not listed on said agenda, the following procedures shall be followed:
 - i) Upon recognition by the chair, a person wishing to address the township committee shall proceed to the floor and give his or her name and address in an audible tone of voice for the record. The presiding officer may, if necessary, because of the number of persons wishing to address the township committee, limit a statement to three minutes per speaker. Statements shall be addressed to the township committee as a body and not to any individual member of township committee. A member of the township committee shall not direct any question to a speaker addressing the committee except through the presiding officer. All comments made

during this public forum by persons from the floor or responses through the presiding officer by township committee shall at all times be civil and courteous. In accordance with Section 2-1.6(a) of the Township Code, the presiding officer may, where the subject matter so requires, designate another member of the Township Committee to respond on behalf of said committee to comments made by the public on a given issue. The other members of Township Committee, however, through the presiding officer, shall also be given an opportunity to respond.

4. **Sergeant at Arms.** The presiding officer may request that the chief of police designate a police officer to serve as a sergeant at arms at township committee meetings. He or she shall carry out all of the orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the township committee meetings and it shall be his or her duty to escort any person who violates the order and decorum of the meeting from township hall.
5. **Parliamentarian.** The township attorney shall be the parliamentarian for the township committee meeting in order to rule upon questions associated with compliance with these by-laws, other relevant laws and rules of order as requested by the presiding officer.
6. **Miscellaneous.**
 - A. If a member of the township committee knows he or she will not be available for a township committee meeting, said member shall notify the municipal clerk at least 48 hours or as soon as practicable prior to the township committee meeting.
 - B. No member of the township committee shall discuss or disseminate any information made available to the township committee on a confidential basis. This shall include not disclosing any information discussed by the township committee during the course of the township committee closed or executive session.
 - C. Committee members may be polled by the Administrator or Attorney means of "communication equipment" (telephone, e-mail, etc.) in order to achieve a consensus on an issue which cannot await formal action on a Township Committee agenda. This practice shall be utilized infrequently and the issue on which a consensus was reached shall be placed for formal action on the next available Township Committee agenda.
 - D. All members of the township committee shall adhere to the provisions of the New Jersey Code of Ethics for local government officers attached hereto as Exhibit A and made a part hereof.
 - E. All members of township committee shall adhere to the provisions of the Hopewell Township Pay to Play Ordinance, a copy of which is attached hereto as Exhibit B and made a part hereof.

N.J.S.A. 40A:9-22.5

Code of ethics for local government officers or employees under jurisdiction of local finance board

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

- a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;
- b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:
 - (1) award any contract which is not publicly bid to a former member of that authority;
 - (2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or
 - (3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

- c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;
- d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;
- e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;
- f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

- g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;
- h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;
- i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and
- k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 02-1255

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II, ENTITLED "ADMINISTRATION", OF
THE "REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF HOPEWELL, NEW JERSEY (1978)",
IN ORDER TO ESTABLISH A TOWNSHIP POLICY FOR THE
AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS**

WHEREAS, New Jersey Statute permits a governing body to enter a professional service agreement and exempts such agreements from public bidding requirements; and

WHEREAS, it has become common for professional service providers to make substantial political contributions to the election campaigns of the local government elected officials who are ultimately responsible for awarding professional service contracts; and

WHEREAS, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5* and *N.J.S.A. 40:48-2*, municipalities have the right to establish rules and procedures for contracting with professional business entities.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, in the County of Mercer and State of New Jersey, that the policy of the Township of Hopewell will be to create such a regulation which states that a professional business entity which makes political contributions to elected officials who are responsible for awarding professional services contracts shall be ineligible to receive a public professional service contract from the Township of Hopewell.

BE IT FURTHER ORDAINED, that Chapter II, entitled "Administration", of the "Revised General Ordinances of the Township of Hopewell, New Jersey (1978)", is hereby amended and supplemented in order to establish a Township policy for the awarding of public professional services contracts as follows:

2-34 Professional Service Contracts.

2-34.1 Prohibition on Awarding Public Contracts to Certain Contributors.

- a. Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Hopewell Township candidate or holder of the public office within the Township having ultimate responsibility for the award of the contract, or to any Hopewell Township or Mercer County party committee within one (1) calendar year immediately preceding the date of the contract or agreement.
- b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the Township or any department or agency thereof or of its independent authorities for the rendition of professional services shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Hopewell Township candidate or holder of the public office within the Township having ultimate responsibility for the award of the contract, or to any Hopewell Township or Mercer County party committee, between the time of first communications between that business entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. For purposes of this section, a "professional business entity" seeking a public contract means an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

d. For purposes of this Section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

The Hopewell Township Committee, if the contract requires approval or appropriation from the Committee.

2-34.2 Contributions Made Prior to the Effective Date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any Hopewell Township candidate for Mayor or Township Committee, or Hopewell Township or Mercer County party committee shall be deemed a violation of this Section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this Section.

2-34.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution in violation of Subsection 2-34.1 hereof.

b. The professional business entity shall have a continuing duty to report any violations of this Section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

2-34.4 Return of Excess Contributions. A professional business entity, or Hopewell Township candidate or officeholder, or Hopewell Township or Mercer County party committee may cure a violation of Subsection 2-34.1, if, within thirty (30) days after the general election, the professional business entity notifies the Township Committee in writing and seeks and receives reimbursement of a contribution from the Township candidate or Hopewell Township or Mercer County political party.

2-34.5 Penalty.

a. All Township of Hopewell professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity, as defined in Subsection 2-34.1c, to violate Subsection 2-34.1b or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

b. Any professional business entity, as defined in Subsection 2-34.1c, who knowingly fails to reveal a contribution made in violation of this Section, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Township contracts for a period of four (4) calendar years from the date of the violation.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

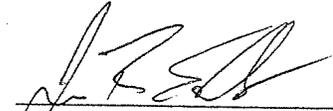
BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law, and shall govern all contracts and professional service agreements commencing on or after January 1, 2003.

Date Introduced: October 17, 2002

Date Advertised: October 24, 2002

Date Adopted: November 7, 2002



Jon R. Edwards
Mayor

Attest:



Annette C. Bielawski
Municipal Clerk