

TOWNSHIP OF LUMBERTON

ORDINANCE 2015-07-011

**AN ORDINANCE AMENDING CHAPTER 14 OF THE MUNICIPAL CODE ENTITLED
“CODE OF ETHICS” TO ELIMINATE THE LOCAL ETHICS BOARD FOR
CONSISTENCY WITH THE STATE STATUTES**

WHEREAS, the Township adopted a local Code of Ethics in 1991 in conjunction with the State’s adoption of the New Jersey Local Government Ethics Act; and

WHEREAS, the local board established by the Code has the same duties and functions that already provided by the State of New Jersey creating a duplication of services; and

WHEREAS, open government advocates have requested that the municipality eliminate its local board to remain consistent with the State requirements; and

WHEREAS, the six member board has not been filled in multiple years with a lack of volunteers from both major political parties; and

WHEREAS, equally important, there has been no need for the Board in recent years, and should a question or concern arise, the same can and should be addressed with the State Board which has gained considerable expertise in interpreting ethics statutes; and

WHEREAS, local volunteers are ill-equipped to handle questions of statutory interpretation; and

WHEREAS, based on the recommendation of New Jersey open government advocates, the Township has determined it is more efficient to eliminate the local board and cede this jurisdiction back to the State Ethics Board; and

WHEREAS, in further review of the Code, the Township has determined that it should implement a restriction preventing employees from seeking political offices in other jurisdictions; and

WHEREAS, the Township is permitted to create a local code of ethics more stringent than the State requirements;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey that Chapter 14 of the Code of the Township of Lumberton be and is hereby amended to make the following deletions, amendments and renumbering to be consistent with the Preamble to this Ordinances which is incorporated herein.

SECTION 1. AMENDMENTS TO CHAPTER 14

Chapter 14 of the Township Code is amended as follows:

14-1. “Title” [no change]

14-2. “Legislative Findings” [no change]

14-3. “Purpose; authority” [no change]

14-4. “Definitions.”

The Definition of “Board” is amended to read as follows:

“BOARD” – The New Jersey State Ethics Board which is created pursuant to P.L. 1991, c.29.

The Definition of “Officer” is amended to delete “W. Member of Ethical Standards Board.” and replace with “W. Reserved.”

The remainder of the definitions remain unchanged.

14-5. “Standards” [no change]

14-6. “Financial Disclosure Statements” – Paragraphs “B” and “C” are repealed as being inconsistent with State Law and replaced with the following new paragraphs “B” and “C” to read as follows:

“B. Financial Disclosure Statements shall be filed in the manner and timeframe established by State law and rules promulgated to implement these State laws.”

“C. Reserved.”

Paragraph E of this section is amended to delete the words “with Subsection C” for consistency with this paragraph.

14-7. “Ethical Standards Board” is repealed in its entirety.

14-8. “Facilities and Staff” is repealed in its entirety.

14-9. “Adoption of Code” is repealed in its entirety.

14-10. “Powers of Ethical Standards Board” is repealed in its entirety.

14-11. “Advisory opinions” is repealed in its entirety.”

14-12. “Complaint procedure” is repealed in its entirety.

14-13. “Violations and penalties” is repealed in its entirety. [Editor’s note: penalties exist and are enforceable through the state law.]

14-14. “Records of the Board” is amended and renumbered to read as follows:

“14-7. Records of Board. In 2015 the Township Committee eliminated the Local Ethics Board and transferred those powers back to the State Ethics Board. Any documents pertaining to local board, which may have existed in 2015 and which are not protected by any other document destruction schedule, shall be destroyed pursuant to proper destruction guidelines no sooner than September 30, 2020.”

SECTION 2. AMENDMENT TO CHAPTER 14.

A new Section 14-8 is hereby enacted to read as follows:

14-8. Prohibition on holding elective office.

- A. Purpose. It is the purpose of this standard to ensure that the employees of Lumberton Township are focused primarily on the Township rather than splitting their commitments between Lumberton and another political/government office.
- B. Scope. This standard applies to all employees considering, as well as to those employees who are already serving in a full-time, part-time or per diem secondary or outside employment positions in Lumberton Township.
- C. Definitions. As used in this Section, the following words have the following meanings:
 - 1. “Conflict of Interest” occurs when an employee is in a position to influence a Township decision that may result in personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt,

or any other person residing in the employee's household. Individuals seeking secondary or outside employment must comply with the Code of Ethics set forth in herein.

2. "Elected Office" means the appointment or election to a governing body in other municipality, county freeholder or line officer, a member of the New Jersey Legislature, a gubernatorial or federally elected position.
3. "Regular Employees" means any full-time or part-time employees of the Township.

D. Conditions

1. Employment with the Township of Lumberton must take precedence over an employee's want or desire to hold political office in another municipality. At all times, exempt and regular employees must act in the best interests of the Township and must avoid conduct and relationships that could cause, or appear to cause, a conflict of interest with their roles in the Township. Employee must keep in mind that their primary responsibility is to the Township.
2. Employees, who engage in outside employment, are prohibited from the following political activities as they relate to said employment:
 - a. Accepting appointment to an elected office to fill a vacancy.
 - b. Being elected to a political or elected office.
 - c. An employee may run for political office but upon a successful election, that employee must choose between accepting the office or maintaining employment with the Township.
3. If the employee's performance is negatively impacted by actions to seek elected office, he or she shall be ordered to stop the interfering political activity or to resign. If the employee fails to adhere to the order, the Township shall commence disciplinary action to remove the employee.

4. Employees shall not engage in any political activity that creates a conflict of interest with their Township employment or that creates a reasonably justifiable impression that such a conflict of interest may exist.

E. Political Office While on Leave

No employee of the Township of Lumberton will be permitted to hold or seek political office while on any leave, including, but not limited to, Family Medical Leave Act, New Jersey Family Leave Act, Disability Leave, Worker's Compensation Leave, Sick Leave, or approved unpaid Leave of Absence.

SECTION 3. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION:

Motion made by: Committeeman Conway
Motion seconded by: Committeeman Dinneen

VOTE:

Committeeman Conway:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Earlen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Jackson:	<u>Yes</u>	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Committeeman Conway
Motion seconded by: Committeeman Dinneen


VOTE:

Committeeman Conway:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Earlen:	Yes	No	Abstain	<u>Not Present</u>
Committeeman Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Jackson:	<u>Yes</u>	No	Abstain	Not Present



Lewis R. Jackson, Mayor

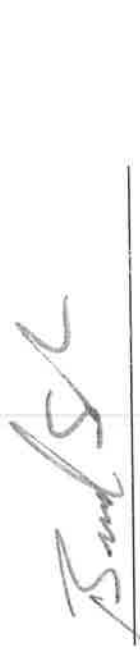
Attest:



Brandon E. Umba
Township Administrator/Deputy Municipal Clerk

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on July 28, 2015 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on August 25, 2015.



Brandon E. Umba
Township Administrator/Deputy Municipal Clerk