

**Ord.#23-2017** An Ordinance of the Township of Mount Olive, in the County of Morris and State of New Jersey, Amending Certain Provisions of Chapter 15, Committees, Commissions and Boards, Article XIII, Ethics Standards Board, of the Township Code to Comply with Changes to Financial Disclosure Form Filing Requirements.

**CLERK:**

Delivered to Mayor:

Date: 11/1/2017

Time: 10:00 am

Signed: \_\_\_\_\_

Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

Approved: ☒ \_\_\_\_\_

Date: 11/1/17

Vetoed: ☐ \_\_\_\_\_

Date: \_\_\_\_\_

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: \_\_\_\_\_

Mayor

**CLERK:**

Returned:

Date: 11/1/17

Time: 10:36

Not returned with in (10) days

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Township Clerk

**Ord.#23-2017**

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, AMENDING CERTAIN PROVISIONS OF CHAPTER 15, COMMITTEES, COMMISSIONS AND BOARDS, ARTICLE XIII, ETHICS STANDARDS BOARD, OF THE TOWNSHIP CODE TO COMPLY WITH CHANGES TO FINANCIAL DISCLOSURE FORM FILING REQUIREMENTS**

**WHEREAS**, pursuant to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., local government officers must file an annual financial disclosure statement on or before April 30th of each year; and

**WHEREAS**, the Division of Local Government Services has implemented a mandatory online filing system for submitting all financial disclosure forms; and

**WHEREAS**, each municipality is required to review its roster of local government officers with municipal counsel to ensure compliance with the Local Government Ethics Law; and

**WHEREAS**, the Township of Mount Olive has conducted such a review and determined that certain provisions of Part I, Administrative Legislation, Chapter 15, Committees, Commissions and Boards, Article XIII, Ethics Standards Board of the Code of the Township of Mount Olive should be amended to comply with changes to financial disclosure form filing requirements.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Part I: Administrative Legislation, Chapter 15, Committees, Commissions and Boards, Article XIII, Ethics Standards Board, § 15-64 of the Code of the Township of Mount Olive is hereby amended to read as follows:

**§ 15-64 Purpose; authority.**

A. It is the purpose of this Article to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for officers and employees of the Township of Mount Olive shall be clear, consistent, uniform in their application and enforceable and to provide those officers and employees with advice and information concerning possible conflicts of interests which 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.

C. This Article is enacted under the authority of the Local Government Ethics Law and under the further authority granted to the Township under the provisions of Titles 40 and 40A of the New Jersey Statutes Annotated, or any amendments or supplements thereto.

D. If at any time any provision of this Article conflict with the laws of the State of New Jersey, New Jersey State law controls.

**SECTION 2.** Part I: Administrative Legislation, Chapter 15, Committees, Commissions and Boards, Article XIII, Ethics Standards Board, § 15-65 of the Code of the Township of Mount Olive is hereby amended to read as follows:

**§ 15-65 Definitions.**

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

**ACT**

The Local Government Ethics Law (P.L. 1991, c. 29), or any amendments or supplements thereto.

**BOARD**

The Mount Olive Township Ethical Standards Board, which is created by this Chapter pursuant to the provisions of the Act.

**BUSINESS ORGANIZATION**

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

**GOVERNING BODY**

The Mount Olive Township Council.

**INTEREST**

The ownership or control of 10% or more 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.

**LOCAL GOVERNMENT AGENCY**

As incorporated by reference from N.J.S.A. 40A:9-22.3, any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a county or municipality, and any independent local authority, including any entity created by more than one county or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board.

**LOCAL GOVERNMENT EMPLOYEE**

Any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district.

**LOCAL GOVERNMENT OFFICER**

As incorporated by reference from N.J.S.A. 40A:9-22.3.g, any person, whether compensated or not, whether part-time or full-time: (1) elected to any office of a local government agency; (2) serving on a local government agency, which has the authority to enact ordinances, approve development applications or grant

zoning variances; (3) who is a member of an independent municipal, county or regional authority; or (4) who is a managerial executive employee of a local government agency, as defined in rules and regulations adopted by the Director of the Division of Local Government Services in the Department of Community Affairs pursuant to the “Administrative Procedure Act,” P.L. 1968, c. 410 (C.52:14B-1 et seq.), but shall not mean any employee of a school district or member of a school board.

More specifically, and subject to any amendment or supplement to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., and to any regulation promulgated thereunder, a local government officer includes the following titles or responsibilities equivalent to such titles:

- A. Mayor;
- B. Members of the Township Council;
- C. Member of Township Planning Board;
- D. Members of Township Zoning Board of Adjustment;
- E. Members of the Township Board of Health;
- F. Township Administrator;
- G. Assistant Township Administrator;
- H. Township Chief Financial Officer;
- I. Township Clerk;
- J. Deputy Township Clerk;
- K. Township Department heads and deputy/assistance Department heads, including the Superintendent of Public Works;
- L. Township Chief or Acting Chief of Police, or “Officer in Charge” in lieu of a Chief or Acting Chief title;
- M. Township Deputy Chiefs and Assistant Chiefs of Police;
- N. Township Engineer;
- O. Township Health Officer;
- P. Township Attorney;
- Q. Township Planning Board Attorney;
- R. Township Zoning Board of Adjustment Attorney;
- S. Township Emergency Management Coordinators;
- T. Trustees on the Township Public Library Board of Trustees;
- U. Township Prosecutor;
- V. Members of Township Ethical Standards Board;
- W. Township Tax Collector;
- X. Township Qualified Purchasing Agent;
- Y. Township Construction Official; and
- Z. Township Tax Assessor.

#### **LOCAL GOVERNMENT OFFICER OR EMPLOYEE**

A local government officer or a local government employee.

#### **MEMBER OF IMMEDIATE FAMILY**

The spouse or dependent child of a local government officer or employee residing in the same household.

## **TOWNSHIP**

The Township of Mount Olive, in the County of Morris and State of New Jersey.

**SECTION 3.** Part I: Administrative Legislation, Chapter 15, Committees, Commissions and Boards, Article XIII, Ethics Standards Board, Section 15-67, of the Code of the Township of Mount Olive is hereby amended to read as follows:

### **§ 15-67 Financial disclosure statements.**

A. Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to P.L.1991, c. 29 shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:

(1) Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his 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 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 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 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 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 immediate family held an interest during the preceding calendar year.

B. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. For counties and municipalities which have established ethics boards, the Local Finance Board shall transmit sufficient copies of the forms to the ethics boards for filing in accordance with this act. The Township Ethical Standards Board shall make the forms available to the local government officers within its jurisdiction.

C. Local government officers shall file the financial disclosure statement online at [www.fds.nj.gov](http://www.fds.nj.gov) on or before April 30th each year, except that each local government officer shall file a financial disclosure statement within 30 days of taking office. Local

government officials shall additionally file a copy of the financial disclosure form with the Township Ethical Standards Board. This mandatory online filing shall satisfy the filing requirements of N.J.S.A. 40A:9-22.6.

D. All financial disclosure statements filed shall be public records.

E. By accepting employment with the Township of Mount Olive, all employees who are required under this Section and under the Statute giving rise to this Section to file these financial disclosure statements understand and agree that the filing of said forms is a continuing condition to their employment. Although they may be hired before the forms are filed, they must comply with § 15-67C. above in order to maintain their employment. Any employee who fails to meet the filing requirements of this Section shall be deemed to have violated the provisions of this Section and shall be given one month to cure said violation; if the violation is not cured within that time frame, the violation shall constitute cause for that employee's forfeiture of his or her employment and consequent removal from employment. Filing of the form following notice of forfeiture shall not be a defense to dismissal.

F. Any official or officer appointed to any board, body, agency or other appointment (professional or otherwise) who is required by the terms of this Section to file a financial disclosure statement understands and agrees that his or her appointment to said board, body, commission or employment is conditioned upon his or her continued compliance with the requirements of this Section. Failure to file the financial disclosure statements within the time set forth above shall constitute cause for that appointee's forfeiture of his/her position and consequent removal of said individual from his/her employment/appointment. Filing of the forms following notice of forfeiture shall not be a defense to removal.

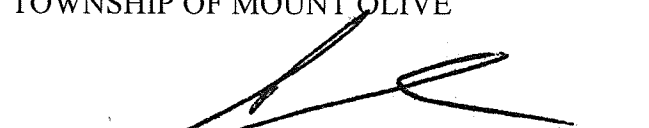
**SECTION 3.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

**SECTION 5.** This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 10/17/2017  
Adopted: 10/31/2017  
Effective Date: 11/24/2017

TOWNSHIP OF MOUNT OLIVE

  
\_\_\_\_\_  
Joe Nicastro, Township Council President

ATTEST: 10/31/2017

  
Michelle Masser, Township Clerk