

ASSEMBLY, No. 1225

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AUGUSTINE and ARNONE

1 AN ACT concerning waiting periods for appointment of municipal  
2 governing body members to certain municipal positions and  
3 amending P.L.1991, c.29.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. Section 5 of P.L.1991, c.29 (C.40A:9-22.5) is amended to read  
9 as follows:

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

12 a. No local government officer or employee or member of his  
13 immediate family shall have an interest in a business organization or  
14 engage in any business, transaction, or professional activity, which is  
15 in substantial conflict with the proper discharge of his duties in the  
16 public interest;

17 b. No independent local authority shall, for a period of one year  
18 next subsequent to the termination of office of a member of that  
19 authority:

20 (1) award any contract which is not publicly bid to a former  
21 member of that authority;

22 (2) allow a former member of that authority to represent, appear  
23 for or negotiate on behalf of any other party before that authority; or

24 (3) employ for compensation, except pursuant to open competitive  
25 examination in accordance with Title 11A of the New Jersey Statutes  
26 and the rules and regulations promulgated pursuant thereto, any  
27 former member of that authority.

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

31 c. No local government officer or employee shall use or attempt to  
32 use his official position to secure unwarranted privileges or advantages  
33 for himself or others;

34 d. No local government officer or employee shall act in his official

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 capacity in any matter where he, a member of his immediate family, or  
2 a business organization in which he has an interest, has a direct or  
3 indirect financial or personal involvement that might reasonably be  
4 expected to impair his objectivity or independence of judgment;

5 e. No local government officer or employee shall undertake any  
6 employment or service, whether compensated or not, which might  
7 reasonably be expected to prejudice his independence of judgment in  
8 the exercise of his official duties;

9 f. No local government officer or employee, member of his  
10 immediate family, or business organization in which he has an interest,  
11 shall solicit or accept any gift, favor, loan, political contribution,  
12 service, promise of future employment, or other thing of value based  
13 upon an understanding that the gift, favor, loan, contribution, service,  
14 promise, or other thing of value was given or offered for the purpose  
15 of influencing him, directly or indirectly, in the discharge of his official  
16 duties. This provision shall not apply to the solicitation or acceptance  
17 of contributions to the campaign of an announced candidate for  
18 elective public office, if the local government officer has no knowledge  
19 or reason to believe that the campaign contribution, if accepted, was  
20 given with the intent to influence the local government officer in the  
21 discharge of his official duties;

22 g. No local government officer or employee shall use, or allow to  
23 be used, his public office or employment, or any information, not  
24 generally available to the members of the public, which he receives or  
25 acquires in the course of and by reason of his office or employment,  
26 for the purpose of securing financial gain for himself, any member of  
27 his immediate family, or any business organization with which he is  
28 associated;

29 h. No local government officer or employee or business  
30 organization in which he has an interest shall represent any person or  
31 party other than the local government in connection with any cause,  
32 proceeding, application or other matter pending before any agency in  
33 the local government in which he serves. This provision shall not be  
34 deemed to prohibit one local government employee from representing  
35 another local government employee where the local government  
36 agency is the employer and the representation is within the context of  
37 official labor union or similar representational responsibilities;

38 i. No local government officer shall be deemed in conflict with  
39 these provisions if, by reason of his participation in the enactment of  
40 any ordinance, resolution or other matter required to be voted upon or  
41 which is subject to executive approval or veto, no material or  
42 monetary gain accrues to him as a member of any business, profession,  
43 occupation or group, to any greater extent than any gain could  
44 reasonably be expected to accrue to any other member of such  
45 business, profession, occupation or group;

46 j. No elected local government officer shall be prohibited from

1 making an inquiry for information on behalf of a constituent, if no fee,  
2 reward or other thing of value is promised to, given to or accepted by  
3 the officer or a member of his immediate family, whether directly or  
4 indirectly, in return therefor; [and]

5 k. Nothing shall prohibit any local government officer or employee,  
6 or members of his immediate family, from representing himself, or  
7 themselves, in negotiations or proceedings concerning his, or their,  
8 own interests; and

9 1. No municipal governing body or the appointing party thereunder  
10 shall, for a period of one year subsequent to termination of office of  
11 a member of that governing body, employ that member for  
12 compensation as a manager, ordinance administrator or chief executive  
13 officer of the municipality.

14 (cf: P.L.1991, c.29, s.5)

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16 2. This act shall take effect immediately.

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21 Requires one-year waiting period for employment of municipal  
22 governing body member as manager, ordinance administrator or chief  
23 executive officer.