

Township of Teaneck, NJ

Saturday, March 12, 2016

## Chapter 2. Charter/Administrative Code

### Article XXIX. Municipal Ethics Board

#### Sec. 2-146. Establishment.

(a) Preamble.

- (1) Public office and employment are a public trust. As such, the proper operation of democratic government requires that local government officials and employees be independent, impartial and responsible to the people; that all government decisions and policy be made in the channels of the governmental structure; that public office not be used for personal gain; that no taint of personal gain, justified or unjustified, shall mar governmental decisions and actions; and that the public have confidence in the integrity of its government.
- (2) In recognition of these goals, there is hereby established a Municipal Ethics Board, which is charged herein with the responsibility for promulgating and administering a municipal code of ethics consistent with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., to be applied to all persons holding office or position in the service of the Township by election, appointment or employment, whether paid or unpaid, permanent or temporary, and to be administered locally, as permitted by N.J.S.A. 9-22.19.

(b) Creation; composition. There is hereby created a Municipal Ethics Board, in accordance with N.J.S.A. 40A:9-22.19. It shall consist of six members who shall be residents of the Township and at least two of whom shall be local public officers or local public employees, as defined by N.J.S.A. 40A:9-22.3. The members of the Ethics Board shall be appointed by the governing body and shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs.

(c) Officers. The members of the Ethics Board shall annually elect a Chairperson from among the membership and may, in their discretion, annually elect a Vice Chair and such other officers from their membership as are deemed to serve their purposes.

(d) Terms; vacancies. The members shall serve for terms of five years, except that, of the members initially appointed, two shall be appointed to five-year terms, one to a four-year term and the remaining members shall be appointed to three-year terms. The initial five-year terms shall be served by the public members. Each member shall serve until his or her successor has been appointed. Any vacancy shall be filled by the Township Council for the unexpired term.

(e) No compensation; reimbursement for necessary expenses. Members of the Ethics Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(f) Employment of counsel and clerical staff; oversight of Manager. The Ethics Board may employ or contract for legal counsel, experts and other staff and services as it may deem necessary, not exceeding the amount appropriated by the governing body for its use. Further, to the extent that there is no conflict of interest, the Ethics Board shall accept personnel and services assigned to it by the Manager. The Manager shall have oversight of the Ethics Board as chief executive officer of the Township, in accordance with the Council-Manager form of government, N.J.S.A. 40:69A-81 et seq.

[Ord. No. 3158, 7-26-1988, § 2-29.1; Ord. No. 3312, 10-22-1991, § 1.]

## Sec. 2-147. Powers of Municipal Ethics Board.

[Ord. No. 3158, 7-26-1988, § 2-29.2; Ord. No. 3312, 1-22-1991, § 1.]

The Municipal Ethics Board shall have all of the powers conferred by N.J.S.A. 40A:9-22.22.

### Sec. 2-147.1. Establishment of Code of Ethics.

- (a) Time for implementation. Within 90 days after the appointment of the full complement of six members to the Ethics Board, the Board shall promulgate, by resolution, a Municipal Code of Ethics for all local government officers and employees serving the municipality.
- (b) Statutory standards and prohibited activities; right to be more restrictive. The Municipal Code of Ethics so promulgated shall be either identical to the provisions set forth in N.J.S.A. 40A:9-22.5 or more restrictive, but shall not be less restrictive.
- (c) Notice and hearing. Within 15 days following the promulgation thereof, the Municipal Code of Ethics, and a notice of the date of public hearing to be held thereon, shall be published in at least one newspaper circulating within the Township and shall be distributed to the Township Clerk and to the heads of the local government agencies of the Township for circulation among the local government officers and employees serving the Township. The Ethics Board shall hold a public hearing on the Code of Ethics not less than 30 days following its promulgation, at which any local government officer or employee serving the Township and any other person wishing to be heard shall be permitted to testify.
- (d) Approval. As a result of the hearing, the Ethics Board may amend or supplement the Code of Ethics, as it deems necessary. If the Code of Ethics is not identical to the provisions set forth in N.J.S.A. 40A:9-22.5, the Ethics Board shall thereafter submit the Code of Ethics to the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey for approval. If the Local Finance Board fails to act within 60 days following its receipt of the Code, it shall be deemed to be approved. The Code of Ethics shall take effect 60 days following approval by the Local Finance Board or 10 days after the public hearing, if local Finance Board approval is not required. The Ethics Board shall forward a copy of the Code of Ethics to the Township Clerk and shall make copies of the Code of Ethics available to local government officers and employees.

[Ord. No. 3312, 10-22-1991, § 1]

### Sec. 2-147.2. Applicability of Local Government Ethics Law.

[Ord. No. 3312, 10-22-1991, § 1]

- (a) Date law applies. The provisions of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., are incorporated herein by reference and deemed to apply.
- (b) Conflict. Nothing herein contained is intended to supersede the applicability of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., and any provision of this article or the Code of Ethics promulgated hereunder which is not sanctioned by, or is in conflict with, the Local Government Ethics Law shall be a nullity.