

ORDINANCE #1085

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 35 "CONTRACTS PUBLIC" ARTICLE I "PUBLIC CONTRACTS" AND ARTICLE II PROFESSIONAL SERVICE CONTRACTS REPEALING SECTIONS 35-1 TO 35-8 LOCAL PAY-TO-PLAY RESTRICTIONS IN CONFORMANCE WITH THE ELECTIONS TRANSPARENCY ACT

WHEREAS, the Legislature adopted Public Law 2023, Chapter 30 known as the Elections Transparency Act ("ETA"), which significantly changed New Jersey's pay-to-play laws in April 2023 which included a provision prohibiting municipalities from imposing local pay-to-play provisions; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services issued LFN 2023-14 to provide guidance to municipalities in implementing the ETA (the "LFB Directive") and in part, directed municipalities to repeal any local pay-to-play ordinances in effect; and

WHEREAS, the Borough Council adopted Ordinance 782 in 2004 establishing local pay-to-play limits in the Borough through the establishment of Chapter 35, Article I, Sections 35-1 through 35-8 in the Borough Code; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough to ensure the Borough Code is in conformance with state law and the LFB Directive and it is therefore eliminating the local pay-to-play standards in the Borough Code.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, that Chapter 35 "Contracts, Public", Article I "Public Contracts" and Article II "Professional Service Contracts" Sections 35-1 through 35-8 of the Borough Code are hereby repealed in their entirety.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law. All other Ordinances or parts of Ordinances, which are inconsistent herewith, are repealed, only to the extent of such inconsistency. All other parts not inconsistent herewith are ratified and confirmed. This Ordinance shall become effect immediately upon final passage and publication as required by law.

APPROVED ON FIRST READING

DATED: October 19, 2023

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: November 2, 2023

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____ 2023

JOHN F. COFFEY, II
Mayor