

## Resolution 25-042

### RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY REGARDING THE NEW JERSEY LOCAL GOVERNMENT ETHICS LAW AND CODE OF CONDUCT

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority ("Authority") is committed to the importance of the goal of enhancing the confidence of the public in the integrity of all governmental entities, and that it is therefore essential not only that appointed Board members of the Authority, but also that Authority staff, ("officers and employees") demonstrate adherence to the highest levels of ethical conduct, and

**WHEREAS**, in 1991, the Local Government Ethics Law was enacted, which provides in part as follows:

#### **40A:9-22.5. Code of ethics for local government officers or employees under jurisdiction of local finance board**

*Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:*

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

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

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

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

*or*

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

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

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

*d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or*

*personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;*

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

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

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

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

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

*j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and*

*k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests (adopted 1991); and*



**WHEREAS**, violations of the Local Municipal Ethics Law will result in fines to the offending party of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500); and

**WHEREAS**, the New Jersey Code of Criminal Justice, **N.J.S.A. 2C:27-10: Acceptance or receipt of unlawful benefits by public servant for official behavior**, prohibits officers and employees of a public entity from accepting or soliciting a benefit to influence the performance of an official duty, and renders such activity a crime punishable by fine and or imprisonment; and

**WHEREAS**, in order to earn and maintain public confidence in government, it is not only necessary that the Authority's officers and employees strictly comply with the Local Government Ethics Law and the Criminal Code, but also that they avoid all conduct which could create the reasonable perception of a conflict of interest, or unethical behavior; and

**WHEREAS**, the Authority desires to reaffirm its commitment of the highest ethical standards, and to set further guidelines for the officers and employees of the Authority regarding certain issues that can frequently arise in connection with the activities of the officers and employees of the Authority;

**NOW, THEREFORE, BE IT RESOLVED BY THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY**, that the following provisions are hereby adopted for the conduct of the officers and employees of the Authority in the discharge of their duties and responsibilities, in order to promote the highest levels of ethical conduct in the discharge of the functions of the Authority and to instill public confidence in the integrity of government:

1. Compliance with N.J.S.A. 40A:9-22.5:

All Authority officers and employees shall comply with the provisions of N.J.S.A. 40A:9-22.5, set forth above, and any subsequent amendments thereto. In case of conflict between the provisions of N.J.S.A. 40A:9-22.5 and the provisions of this Resolution, the provision that establishes the stricter standard of ethical conduct shall control, which includes, among other requirements that, *"No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority: (1) award any contract which is not publicly bid to a former member of that authority; (2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or (3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority."*

2. Acceptance of Gifts, Favors, Etc.

Given that The Local Government Ethics Law provides:

*No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties,*

no officer or employee shall accept anything of value based on the understanding that it is being given for the purpose of influencing such officer or employee, directly or indirectly, in the discharge of his or her official duties.

A. Acceptance of a recreational activity, meal or other entertainment/recreational benefit from an Interested Party, that could reasonably be perceived as influencing the recipient in the performance of his or her official duties for the Authority is prohibited. A business meeting during a meal in which the official or employee pays for their meal is acceptable.

1. For purposes of this Resolution, an "Interested Party" is any person or entity doing business with, providing goods or services to, or engaged in a contractual relationship of any sort with the Authority, or involved in any claim, cause of action or dispute involving or pending before the Authority.

B. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient's department for general use if such receipt or use does not create a reasonable perception of a conflict of interest or a violation of the public trust.

1. An officer or employee may receive a gift, favor, service or other thing of value under the same terms and conditions that the gift, favor, service or other thing of value is offered or made available to members of the public generally, provided that the officer's or employee's relationship with the Authority played no role and provided no favored opportunity in the receipt of same, and provided that the gift, favor, service or other thing is not of excessive value.
2. An officer or employee is permitted to give or receive a gift from a co-worker, a supervisor or a subordinate, provided that the gift is not intended or used to influence, or may not be reasonably perceived to influence, the co-worker, supervisor or subordinate in the exercise of his or her official duties for the Authority. The gift should not be excessive or inappropriate for a business environment, and shall be consistent all applicable Authority policies governing workplace conduct, including but not limited to Authority policies regarding harassment in the workplace.
3. Gift prohibitions do not apply to the offering or acceptance of contributions to the campaign of an announced candidate for elective public office in accordance with



applicable campaign finance laws, provided that the offer is not intended to influence the recipient in the discharge of his/her official duties, and the recipient has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the recipient in the discharge of his/her official duties.

3. Post-Employment

A. Future Employment

1. Authority officers or employees must refrain from in any manner seeking potential employment with Interested Parties while still in the Authority's service or employ.
2. Solicitation or discussion of employment with any person or entity having a specific cause, proceeding, application or other matter pending before the Authority, or that is involved in litigation in which the Authority is involved, either as complaining or defending party, or the representatives of any such person or entity, is prohibited.

B. One-Year Ban

1. For a period of one year after the termination of one's office or employment with the Authority, the former officer or employee shall not represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate with or before any officer or employee of the Authority on behalf of any person or entity. Nothing contained in this section shall prohibit the Authority from contracting with a former officer or employee to act on behalf of the Authority.

4. Recusal on Official Matters

- A. An officer or employee is required to recuse him/herself, for one year after commencing Authority service, from any official matter that involves any private sector individual, association, corporation or other entity that employed or did business with the officer or employee or agent during the year prior to the employee's commencement of service.
- B. An officer or employee is required to recuse him/herself on an official matter if he/she had any involvement in that matter, other than on behalf of the Authority, during or prior to commencement of his /her service with the Authority.
- C. No Authority officer or employee shall act in his/her official capacity in any matter in which the officer/employee, a member of the officer/employee's immediate family, or a business organization in which the officer/employee has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment.

- D. An incompatible personal or financial interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to or involving a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to or involving a business associate or business investment; which interest might reasonably be perceived as impairing an officer or employee's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be perceived by members of the public having knowledge of his/her acts that he/she may be engaged in conduct violative of his/her responsibilities to the Authority.
- E. Upon determining that an officer or employee must recuse him/herself on any matter, the officer or employee shall execute the recusal in writing or on the official record, and shall have no involvement with the subject matter of the recusal.
5. The Board Secretary is hereby authorized and directed to distribute a copy of this Resolution to each current officer and employee of the Authority and to future officers and employees upon their commencement of service.
6. The Board Secretary is hereby authorized and directed to promptly post a copy of this Resolution on the official web site of the Authority and to post a copy in the offices of the Authority.
7. This Resolution shall take effect immediately, and shall remain in effect until repealed or amended.

#### CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on March 13, 2025.

On motion of Commissioner Schorno  
Second by Commissioner Howarth

And a Roll Call Vote as Follows:

Yeas: (9) Andes, Chegwiddden, Farrell, Howarth, Isselin, Laverty, Schorno, Sheehy, and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (1) Cegelka



Donald Farrell  
Board Secretary