

Chapter 29. Ethics, Code of

§ 29-7. Ethical Standards Board.

- A. There is hereby established the North Brunswick Township Ethical Standards Board, consisting of six members who are residents of the township, at least two of whom shall be public members. The members of the Board shall be appointed by the Township Council. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the Board shall be of the same political party.
- B. The members of the North Brunswick Township Ethical Standards Board shall annually elect a Chairperson from among the membership.
- C. The members shall serve for terms of five years; except that of the members initially appointed, two of the public members shall be appointed to serve for terms of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for terms of three years. Each member shall serve until his or her successor has been appointed and qualified. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the unexpired term.
- D. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties under this chapter.
- E. All hearings required pursuant to this chapter shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.
- F. In the event that a hearing is to be held, the officer or employee charged with violation of this section shall be accorded due process of law, including but not limited to the following:
 - (1) Right to counsel.
 - (2) Right to prehearing discovery.
 - (3) Right to take sworn oral and written testimony from any person.
 - (4) Reasonable notice of hearing.
 - (5) Right to subpoena persons and documents.
 - (6) Right to make a stenographic record of the hearing.
 - (7) Right of examination and cross-examination.

§ 29-10. Powers and duties of Ethical Standards Board.

The North Brunswick Township Ethical Standards Board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the township.
- B. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing.
- C. To forward to the Middlesex County Prosecutor or the Attorney General or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving the township which may warrant the institution of other legal proceedings.
- D. To render advisory opinions to local officers or employees serving the township as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements.
- E. To enforce the provisions of the code of ethics and financial disclosure requirements with regard to officers or employees serving the township and to impose penalties for the violation thereof as are authorized by this chapter.
- F. To adopt rules and regulations as are necessary to implement the purposes of this chapter.

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§ 29-11. Advisory opinions.

- A. An officer or employee of the Township of North Brunswick may request and obtain from the North Brunswick Township Ethical Standards Board an advisory opinion as to whether any proposed activity or conduct would, in its opinion, constitute a violation of the code of ethics or any financial disclosure requirements.
- B. Advisory opinions shall not be made public except when the Board, by the vote of 2/3 of all of its members, directs that the opinion be made public.
- C. Public advisory opinions shall not disclose the name of the officer or employee unless the Board, in directing that the opinion be made public, so determines.

§ 29-12. Complaints.

- A. The North Brunswick Township Ethical Standards Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of the Township of North Brunswick serving the township is in conflict with the code of ethics or financial disclosure requirements, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.
- B. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.
- C. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee of the Township of North Brunswick against whom the complaint was filed.
- D. If the Board shall conclude that the complaint is within its jurisdiction and has factual basis, the Board shall notify the officer or employee of the Township of North Brunswick against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.
- E. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he or she wishes.
- F. If the Board determines that a reasonable doubt exists as to whether the officer or employee of the Township of North Brunswick is in conflict with the municipal code of ethics or any financial disclosure requirements, the Board shall conduct a hearing concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee.
- G. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the code of ethics or any financial disclosure requirements. This decision shall be made by no less than 2/3 of all members of the Board.
- H. If the Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes are appropriate within the limits of this chapter.

§ 29-13. Enforcement and penalties.

- A. An appointed or elected officer or employee of the Township of North Brunswick found guilty by the North Brunswick Township Ethical Standards Board of the violation of any provision of this chapter or of any code of ethics in effect pursuant to this chapter shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the penalty enforcement law, N.J.S.A. 2A:58-1. The North Brunswick Township Ethical Standards Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.
- B. The finding by the North Brunswick Township Ethical Standards Board that an appointed officer or employee of the Township of North Brunswick is guilty of the violation of the provisions of this chapter or of any code of ethics in effect pursuant to this chapter shall be sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this chapter or any code of ethics in effect pursuant to this chapter, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes Annotated and the rules promulgated pursuant thereto.

§ 29-14. Records of Ethical Standards Board.

All statements, complaints, requests or other written materials filed pursuant to this chapter and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this chapter shall be preserved for a period of five years from the date of filing or preparation, as the case may be.

§ 29-15. When effective.

This chapter shall take effect upon final adoption and publication of notice of adoption as required by law, except that the requirements providing for the filing of financial disclosure reports shall take effect on the 21st day of May, 1991, with the first reports required to be filed not later than August 19, 1991.