

Borough of Dumont

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Mayor McHale Partially Approves Public Contracting Reform Ordinance

Line item vetoes provisions contrary to New Jersey law

Dumont, NJ – Mayor Matthew McHale used his authority under N.J.S.A. 40A:60-5(d) to line item veto Borough of Dumont Ordinance #1411 (Public Contracting Reform) today.

“As Mayor, I have the responsibility to ensure the enforcement of the laws of the State of New Jersey and the ordinances of the Borough of Dumont. The Public Contracting Reform Ordinance (#1411) presents too many inconsistencies, variations from state law, and places unrealistic responsibilities on the administration of the Borough of Dumont,” said McHale.

In March of this year the Dumont Borough Council Committee on Resolutions and Ordinances began hearing testimony and performing research to draft an ordinance to “establish a policy that will avoid the perception of improper influence in local elections.... and develop a policy setting maximum amounts that professional business entities may contribute to local political campaigns, above which or excess of which shall render such entities ineligible to receive a public profession services contract from the Borough of Dumont” (Borough of Dumont Ordinance #1411.) Over the course of several months, the committee comprised of council members Harry Stylianou, Matt Carrick, Carl Manna, and Mayor McHale, serving as an ex officio non-voting member, combed through New Jersey’s Statutes and countless municipal pay-to-play ordinances.

“I have great respect and admiration for the council committee’s commitment to this issue and support their, and our, efforts to make municipal government more transparent, equitable, and open which is why I agree with their contribution limit of \$300 to candidates for public office,” said McHale.

Ordinance #1411 calls for a limitation of contributions in the amount of \$300 to any candidate, political party committee, and continuing political committee (otherwise known as PACs) per election cycle, which included both the primary and general elections from professional entities receiving contracts from the Borough of Dumont which are not subject to public bidding or required to be awarded to the lowest bidder. Additionally, the ordinance requires \$1 disclosure, requirements to file with the Dumont Borough Clerk’s office, and a limitation to transfer funds between candidate campaign, political party, and continuing political committee accounts. Entities doing work with the Borough of Dumont found in violation of Ordinance #1411 would be banned from doing work for 18 months. However, candidates for public office found in violation of the ordinance faced no clear penalty.

Despite objections from Citizens Campaign, a state wide pay-to-play reform advocacy group, and Paul Eisenman, the head of Bergen Grassroots, a Bergen County based government reform organization, Ordinance #1411 passed on first and second reading with a 4 to 2 vote of the Dumont Council.

“When Paul Eisenman of Bergen Grassroots says on the public record that ‘no ordinance is better than this ordinance,’ (Dumont Council meeting 7/21/2010) it is cause for concern and further analysis,” added McHale.

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McHale went on to say, "Everyone in Dumont, whether you're running for mayor, council, school board, or dog catcher has to play by the same rules and the council needs to create laws within the guidelines established by

the legislature and ensure they're clear, concise, and consistent otherwise the residents of Dumont will be paying the price for unnecessary litigation."

In April of 2010, the New Jersey Election Law Enforcement Commission (ELEC) called for an overhaul of New Jersey's pay-to-play laws, encouraging the adoption of uniform pay-to-play regulations and reduction in overall allowable contribution amounts by entities holding contracts with government entities. The Legislature has yet to move on ELEC's recommendation.

"Ordinance #1411 touches on public contracting, pay-to-play, and campaign finance reform; at the end of the day it will do little or nothing to effectuate good governance and only just make a flawed system worse. I strongly encourage the Council to reconsider, reconfigure, and reintroduce a superseding ordinance that meets their initial objective," concluded McHale.

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