

## Q & A

### What about a person's 1<sup>st</sup> amendment right to contribute?

Our pay-to-play law is constitutional because municipalities have the power to set the conditions of contracts for professional services. In other words, this is not broad campaign finance reform, but public contract reform.

### Can the town limit contributions to the county party committee?

No, towns can't dictate what county parties accept in contributions. But municipalities can set their own standards and refuse to do business with professionals who contribute to the county.

### Why are only professional contracts included?

Professional Service contracts are "no-bid" contracts. This means that municipalities can set their own standards for hiring professionals- like attorneys, engineers, and auditors. Contracts for such things as snow removal automatically go to the lowest bidder. A town doesn't necessarily want the lowest bid professional, therefore the council has broad discretion.

### Can we include developers?

No, regulations pertaining to developers fall under the NJ Land Use law. A separate ordinance is needed, called the model Re-development Pay-to-Play Reform ordinance, and can be obtained through our office.

### What towns have passed pay to play reform?

As of November, 2006, over 40 municipalities & one county have adopted the model ordinance, they are: Asbury Park, Atlantic Highlands, Belmar, Berkeley Twp, Bloomfield, Bradley Beach, Collingswood, Dover Twp, East Windsor, Edison Twp, Ewing, Fair Lawn, Freehold Twp, Hamilton, Hightstown, Highland Park, Hillside, Hoboken, Holmdel Twp, Hopewell Twp, Lawrence Twp, Manchester, Margate, Marlboro, Mercer County, Metuchen, Millstone Twp, New Providence, Ocean City, Oceanport, Oradell, Ramsey, Red Bank, Sayreville, South Brunswick, Spring Lake, Tinton Falls, Trenton, Upper Freehold, Washington Twp (Mercer), West Windsor, Woodbridge.

### Should towns wait for the State legislation?

No, Pay-to-play reform is a simple first-step to reducing the municipal portion of property taxes. A recent state law was passed, giving towns & counties the authority to control how professional service contracts are awarded. By passing this ordinance, contracts would be awarded on merit and cost-effectiveness, and the result is likely to be significantly lower costs.

### Who wrote this ordinance?

Constitutional law experts from the Brennan Center for Justice and members of our Legal Task Force.

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### WHAT IS PAY-TO-PLAY?

"Pay-to-play" is the all too common practice in which large campaign contributions are traded for lucrative government contracts.

Unfortunately, the people who really pay are not the contractors who give the big political contributions, but New Jersey's taxpayers.

For in a public contract system driven by political contributions, merit and cost-effectiveness fall by the wayside. The result is that taxpayers pay more for lower quality services.

Recently, the state paid more than \$100 million in cost overruns for an auto emissions system that failed because the state hired a company with a history of over-billing and no proven track record. The company's major qualification for the job was the \$500,000 in political contributions.

And there are more stories of the taxpayer waste caused by pay-to-play at the State, County, and Municipal level. The simple and cost-efficient solution is public contracting reform — which severs the link between campaign contributions and government contracts. Citizens can help put an end to pay-to-play by presenting a model public contracting, pay-to-play reform law to their town council.

## REFORM AT THE LOCAL LEVEL

Municipalities across New Jersey have begun passing local public contracting laws in order to protect the town's contracting from political contribution influence and to send a message to state leaders. The main purpose of the law is to ensure that merit and cost-effectiveness drive the contracting process—not political contributions.

The local model pay-to-play law would set limits on political contributions to local candidates and political parties from professionals seeking town contracts.

Here are some major components:

1. Sets limits on contributions from professionals, such as attorneys, auditors, and engineers in the year prior to negotiations.
2. Limits contributions to \$300 to town candidates, \$300 to local political party committees, \$500 to county political parties, and limits professional firm to \$2,500 in aggregate.
3. Bans all political contributions by contractors from the beginning of negotiations through the performance of the contract.
4. Individuals who break the law, or try to circumvent it are banned from receiving no-bid contracts for 4 years.

## ADVOCATING FOR REFORM

1. **Research.** Find out if your town has already considered or adopted a model pay-to-play ordinance. A good place to start is at the Town Clerk's Office.
2. **Communicate.** Write a letter to your local officials asking them to consider adopting the ordinance—attach a copy of the model ordinance to the letter, and send a copy to the township attorney. Make sure to provide the specific date and time of the council meeting that you will be presenting the ordinance.
3. **Follow-Through.** Make follow-up calls to confirm they received the letter and ordinance. While making the calls you may even ask a council member to offer to sponsor it for you.
4. **Contact Media.** Before the council meeting call the local newspapers to let them know you will be making a presentation. This way they can assign the story to one of their reporters.
4. **Show Respect.** Speak politely and dress professionally.
6. **Be Early.** Show up to the council meeting 15 minutes early. This will give you an opportunity to talk to the council members and reporters.
7. **Public Presentation.** Make sure you know the rules for citizen input at council meetings. Sometimes you must sign up before hand. When making the presentation, speak loudly and clearly, you want not only the council, but the reporters and other citizens to hear what you have to say.
8. **Get a Commitment.** Be sure to ask for the date by which the council might introduce the pay-to-play reform law. If the law is referred to the town attorney, ask when they will report back their findings.
9. **Keep up the pressure.** It's important to keep attending the council meetings. First, you can make sure the council is following through on their commitment. Or, if they're not, it shows them that you are committed and not letting the issue die.
10. **Win or lose.** Keep going to council meetings.