

Middlesex County

Code of Ethics

January 5, 2023



1:21 **MIDDLESEX COUNTY CODE OF ETHICS**

Section 1. **Title**

1.01. This document shall be known as and may be cited as the "**Middlesex County Code of Ethics**".

Section 2. **Findings.**

2.01. The Middlesex County Ethics Board finds and declares that:

- a. Public office and employment are a public trust;
- b. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- d. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties.

Section 3. **Purpose and Authority**

3.01. It is the purpose of this Code:

- a. To provide a method of assuring that standards of ethical conduct for County employees and officers and financial disclosure requirements for officers of the County of Middlesex shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interests which might arise in the conduct of their public duties.
- b. It is the further purpose of this Code to implement the provisions of the Local Government Ethics Law, P.L. 1991, c. 29.

Section 4. **Definitions**

4.01. As used in this Code:

- a. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the County of Middlesex,

and any independent County authority created by or appointed under the authority of the County of Middlesex, which performs functions other than of a purely advisory nature;

- b. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity;
- c. "County employee" means any persons, whether compensated or not, whether part-time or full-time, employed by or serving on an agency who is not a County officer, as defined below;
- d. "County officer" means any person, whether compensated or not, whether part-time or full-time, who is one of the following:

- 1. A holder of County elective office, including Constitutional officers.

- 2. **COUNTY ADMINISTRATION**

- County Administrator
- Clerk to the Board of County Commissioners
- Deputy Clerk, Board of County Commissioners
- Archives and Records Management, Supervisor
- County Counsel
- Assistant County Counsel
- Deputy County Counsel
- First Deputy County Counsel
- Office of Business Engagement, Director
- Office of Communications, Director
- Public Information Officer
- Office of Human Resources, Director
- Office of Human Resources, Assistant Director
- Office of Human Resources, Labor Relations Specialist
- Office of Human Resources, Senior Labor Relations Specialist
- Office of Labor Relations & Compliance, Director
- Office of Information Technology, Director
- Office of Marketing, Director
- Office of Professional Development, Director
- Office of Public and Government Affairs, Director

- DEPARTMENT OF ECONOMIC DEVELOPMENT**

- Department Head of Economic Development
- Arts Institute of Middlesex County, Director
- Arts Institute of Middlesex County, Division Head of Art & History Program Services
- Arts Institute of Middlesex County, Division Head of Historic Sites & History

Rutgers Cooperative Extension Service of Middlesex County, Agricultural Agent, Director
County 4-H Agent
Office of Career Opportunity, Director
Office of Career Opportunity, Deputy Director
Office of Career Opportunity, Executive Coordinator
Superintendent of Schools

DEPARTMENT OF COMMUNITY SERVICES

Department Head of Community Services
County Adjuster
Office of Aging and Disabled Services, Executive Director
Office of Aging and Disabled Services, Division Head of Transportation
Deputy County Clerk
Special Deputy County Clerk
Office of Human Services, Director
Office of Human Services, Division Head of Housing & Social Services
Office of Human Services, Division Head of Addiction and Mental Health Planning
Office of Human Services, Division Head of Children's Services
Office of Human Services, Division of Social Work Services, Manager
Office of Human Services, Public Housing Agency, Executive Director
George J. Otlowski, Sr. Center for Mental Health Care, Executive Director
George J. Otlowski, Sr. Center for Mental Health Care, Medical Director
Veterans Internment, Supervisor
Deputy Surrogate
Special Deputy Surrogate

DEPARTMENT OF FINANCE

Department Head of Finance, Chief Financial Officer
County Treasurer
Assistant Treasurer
Assistant Comptroller
Budget Director
Internal Performance Auditor (Senior Auditor)
Department of Finance, Chief of Staff
Purchasing Agent
Assistant Purchasing Agent
County Insurance Manager

DEPARTMENT OF INFRASTRUCTURE MANAGEMENT

Department Head of Infrastructure Management
Office of Facilities Management, Director
Office of Golf Management, Director
Office of Parks and Recreation, Director

DEPARTMENT OF PUBLIC SAFETY & HEALTH

Department Head, Public Safety & Health
Department Public Safety & Health, Business Manager
Office of Adult Corrections and Youth Services, Warden
Office of Adult Corrections & Youth Services, Business Manager
Office of Adult Corrections & Youth Services, Chief of Staff
Office of Adult Corrections & Youth Services, Head of Internal Affairs
Investigations
Office of Adult Corrections & Youth Services, Head of Intelligence
Investigations
Juvenile Detention Facility, Superintendent
Juvenile Detention Facility, Division Manager of Investigations
Office of Emergency Management & Preparedness, Coordinator
Office of Emergency Management & Preparedness, Deputy Coordinator
Office of Inspections, Director
Office of Inspections, Division Head of Consumer Affairs
Office of Inspections, Division of Weights & Measures, Superintendent
Office of Inspections, Division of Weights & Measures, Deputy
Superintendent
Office of the Medical Examiner, Chief Medical Examiner
Office of the Medical Examiner, Assistant Medical Examiner
Office of the Medical Examiner, Morgue Custodian
First Assistant Prosecutor
Deputy First Assistant Prosecutor
Office of the Prosecutor, Chief of Investigators
Office of the Prosecutor, Deputy Chief of Investigators
Office of the Prosecutor, Chief of Staff
Office of Public Health, Director
Office of Public Health, Division Head of Environmental Health
Office of the Sheriff, Chief Sheriff's Officer,
Office of the Sheriff, Chief Warrant Officer
Office of the Sheriff, Director, Bureau of Narcotics
Office of the Sheriff, Undersheriff

DEPARTMENT OF TRANSPORTATION

Department Head of Transportation
Office of Engineering, County Engineer
Keep Middlesex Moving, Director
MCAT, Director

Office of Planning, Director
Office of Public Works, Director

AUTONOMOUS AGENCIES

Agricultural Development Board Members
Board of Elections Commissioners
Board of Elections, Administrator
Board of Elections, Secretary
Board of Social Services Members
Board of Social Services, Counsel
Board of Social Services, Director
Board of Social Services, Director of Welfare
Board of Social Services, Fiscal Officer
Board of Social Services, Personnel Officer
Board of Social Services, Senior Accountant
Construction Board of Appeals Members
Ethics Board Members
Middlesex County College Board of Trustees
Middlesex County College, President
Middlesex County Improvement Authority Members
Middlesex County Improvement Authority, Director Administration
Middlesex County Improvement Authority, Executive Director
Middlesex County Improvement Authority, Financial Officer
Middlesex County Improvement Authority, Director, Economic Development
Middlesex County Improvement Authority, General Counsel
Middlesex County Improvement Authority, Purchasing Agent
Middlesex County Utilities Authority Board Members
Middlesex County Utilities Authority, Executive Director
Middlesex County Utilities Authority, General Counsel
Middlesex County Utilities Authority, Treasurer
Middlesex County Utilities Authority, Solid Waste Division Manager
Middlesex County Utilities Authority, Wastewater Division Manager
Mosquito Extermination Commission Members
Mosquito Extermination Commission, Superintendent
Mosquito Extermination Commission, Treasurer
Planning Board Members
Planning Board Attorney
Roosevelt Care Center, Administrator
Roosevelt Care Center, Financial Officer
Vocational and Technical High School Board Members

"County officer" shall also include any person who is a managerial executive or confidential employee, as defined in the "New Jersey Employer-Employee Relations Act" (N.J.S.A. 34:13A-3) of the County of Middlesex or any agency created by or appointed under the authority of the

Board of County Commissioners. "County officer" shall not include a member of the Tax Board or Board of Elections or the Tax Administrator, all of whom are deemed to be State employees and covered thereunder.

- e. "County matter" means any application, award, bid, claim, contract, license, permit, proceeding, prosecution, resolution or transaction made by, to, against or with County government or any County officer or employee.
- f. "Financial interest" means any partnership, association, joint venture, proprietorship or corporation in which a County officer or employee, or his or her spouse or child has ownership or control of more than ten per cent (10%) of the stock or is a director or officer.
- g. "Member of immediate family" means the spouse or dependent child, as defined by the Internal Revenue Service Regulations, of an officer or employee.
- h. "Personal interest" means any interest of a County officer or employee or his or her spouse or child.

Section 5. Ethical Standards

5.01. No officer or employee of Middlesex County or member of his or her 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 or her duties in the public interest.

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

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

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.

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

5.03. No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family, or any business organization in which he or she has an

interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment.

5.04. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or others.

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

5.06. No officer or employee, member of his or her immediate family, or any business organization in which he or she has an interest, shall solicit or accept any gift, favor, 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 or her 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 officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.

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

5.08. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the County in connection with any cause, proceeding, application or other matter pending before any agency in the County of Middlesex in which the officer or employee serves. An exception is allowed for the representation of one employee by another where the representation is within the context of official labor union or similar representational responsibilities.

5.09. No officer shall be deemed in conflict with these provisions if, by reason of his or her 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 or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

5.10. No elected 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 or her immediate family, whether directly or indirectly, in return therefor.

5.11. Nothing shall prohibit any officer or employee of Middlesex County, or members of his or her immediate family, from representing himself, herself or themselves, in negotiations or proceedings concerning his, her, or their, own interests.

5.12. No officer or employee of Middlesex County or members of his or her immediate family or business organization in which he or she has an interest, shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase made, entered into, awarded or granted by the County or agency thereof, unless such contract, agreement, purchase or sale was made or let after public notice and competitive bidding, provided, however, that the provisions of this section shall not apply to purchases, contracts, or agreements which by law are not required to be made, negotiated or awarded with public advertising or bids if such purchases, contracts, or agreements shall have received a prior advisory opinion of the County Ethics Board.

5.13. No officer or employee elected or appointed in the County shall request, use or permit the use of any public property, vehicle, equipment, labor or service for personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an officer or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officers and employees in the conduct of official business.

5.14. No Middlesex County board, agency, commission or other County body shall, for a period of two (2) years next subsequent to the termination of services or employment of any County officer or employee, allow the former officer or employee to appear before it, in relation to any case, proceedings or application in which the officer or employee personally participated during the period of his or her service or employment or which was under his or her active consideration.

5.15. No person shall induce or attempt to induce any County officer or employee to violate any provision of the "Middlesex County Code of Ethics".

5.16. No family member, as defined herein, of any County elected official, shall, after the effective date hereof, be hired by any County Department or autonomous agency in any full-time or part-time position.

A family member of a Department Head, Office Director, Division Head, member of any County autonomous agency or executive director of any County autonomous agency may be hired in any full-time or part-time position, as long as the family member is not employed in a position under the direct supervision of the Department Head, Office Director, Division Head, member of any County autonomous agency or executive director of any County autonomous agency.

For purposes of this section, "family member" shall mean: spouse; children; parents; stepchildren; in-laws; siblings; nephews; nieces; and first cousins.

The term “under the direct supervision” shall mean: a position wherein the family member is employed in the department, office, division or agency, where applicable.

5.17. Neither Middlesex County nor any autonomous agency or authority established by the Board of County Commissioners shall award a contract to or have a business relationship with any former County elected official, Department Head, Division Head, member of any County autonomous agency or authority or executive director of any autonomous agency or authority or any business organization in which said former official, employee or member has an interest for a period of three (3) years after the termination of office or employment of said individual. This restriction shall not apply to the award of contract which is publicly bid pursuant to *N.J.S.A. 40A:11-1 et seq.*

Section 6. Political Activity

6.01. No public official or County employee, who has a fixed or regular work schedule, shall engage in partisan political activity for or on behalf of any individual, group or organization during County working hours. This provision shall not apply to any public official who holds an elective County office.

6.02. County employees, County officers and County elected officials may not knowingly solicit, accept or receive a political contribution from any person who has, or is seeking to obtain, contractual or other business or financial relations with the County.

6.03. No County employee, County officer and/or County elected official shall solicit, accept or receive political contributions of any kind while in or on any County owned or leased building or property which is dedicated for the conduct of public business. No County employee, County officer and/or County elected official shall permit the solicitation, acceptance or receipt of political contributions of any kind to occur in or on any County owned or leased building or property which is dedicated for the conduct of public business.

6.04. “Political Contribution”:

- a. Includes any gift, subscription, loan advance or deposit of money or anything of value, made for any political purpose; and
- b. Includes any contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for any political purpose; and
- c. Includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and

- d. Includes the provision of personal services for any political purpose.

6.05. To the extent not prohibited above, nothing in this section is intended to preclude County employees, County officers or County elected officials from participating in the political process, including fundraising on their own time and off County property.

Section 7. Duty to Report Solicitation

7.01. In the event that a County employee, County officer or County elected official is approached by any person who solicits influence, favor or vote in return for political contribution, as defined, or payment, direct or indirect, that official is charged with the duty to disclose the details of the solicitation to the Ethics Board, in writing.

7.02. Said disclosure is to be made as promptly as possible and in no event more than fourteen (14) days after the incident.

7.03. Failure to make disclosure of the solicitation shall be a breach of this Code and shall be handled according to the provision of Section 12 herein.

Section 8. Financial Disclosure

8.01. Every officer of the County of Middlesex shall annually file a financial disclosure statement with the County Clerk.

8.02. All financial disclosure statements shall include the following information, which shall specify, where applicable, the name and address of each source and the officer's job title:

- a. Each source of income, earned or unearned, exceeding \$2,000 received by the officer or member of his or her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his or her immediate family has an interest in the business organization;
- b. Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his or her immediate family during the preceding calendar year;
- c. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding

relatives, received by the local government officer or a member of his or her immediate family during the preceding calendar year;

- d. The name and address of all business organizations in which the local government officer or member of his or her immediate family had an interest during the preceding calendar year; and
- e. The address and brief description of all real property in the State in which the local government officer or a member of his or her immediate family held an interest during the preceding calendar year.

8.03. The Middlesex County Ethics Board shall prescribe a financial disclosure statement form for filing purposes. If a financial disclosure statement form has been promulgated by the New Jersey Local Finance Board, in accordance with the New Jersey Local Government Ethics Law, then that form shall be used. The Middlesex County Ethics Board shall make the forms available to the officers and employees required to file a financial disclosure statement.

8.04. The original statement shall be filed with the County Clerk or before April 30th of each year. A copy of the statement shall be filed with the Middlesex County Ethics Board.

8.05. No holder of elective or appointive office who is licensed to practice law shall be required to disclose any information pursuant to this section, if such disclosure would constitute a violation of the Disciplinary Rules adopted by the Supreme Court of the State of New Jersey.

8.06. All financial disclosure statements filed shall be public records.

Section 9. Powers of Middlesex County Ethics Board

9.01. The Middlesex County Ethics Board, which was established by the Middlesex County Board of County Commissioners by resolution dated July 3, 1991, shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the County code of ethics or financial disclosure requirements by local government officers or employees serving Middlesex County;
- 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 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

Middlesex County which may warrant the institution of other legal proceedings by the Attorney General;

- d. To render advisory opinions to local officers or employees serving Middlesex County 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 Middlesex County and to impose penalties for the violation thereof as are authorized by this Section; and
- f. To adopt rules and regulations and do other things as are necessary to implement the purposes of this Section.

Section 10. Advisory Opinions

10.01. An officer or employee of Middlesex County may request and obtain from the Middlesex County Ethics 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.

10.02. Upon the showing of good cause and the need for immediate action, the Middlesex County Ethics Board shall meet to consider and render a formal advisory opinion, whenever possible, within twenty (20) business days after receipt of a request for such opinion.

10.03. Advisory opinions shall not be made public, except to the person asking for the opinion, except when the Board by the vote of two-thirds of all of its members directs that the opinion be made public.

10.04. 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.

Section 11. Formal Complaints

11.01. The Middlesex County Ethics Board shall, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of Middlesex County is in conflict with the code of ethics or financial disclosure requirements, acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.

11.02. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.

11.03. 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 Middlesex County against whom the complaint was filed.

11.04. If the Board shall conclude that the complaint is within its jurisdiction and has at least a minimal factual basis, the Board shall notify the officer or employee of Middlesex County against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.

11.05. 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.

11.06. If the Board determines that a reasonable doubt exists as to whether the officer or employee of Middlesex County is in conflict with the County 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. All hearings required pursuant to this Section 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.*).

11.07. 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 two-thirds of all members of the Board.

11.08. 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 appropriate within the limits of Section 12. A final decision of the Board may be appealed to the Local Finance Board within 30 days of the decision.

Section 12. Enforcement and Penalties

12.01. An appointed officer or employee of Middlesex County found guilty by the Board of the violation of any provision of this code of ethics shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999", *N.J.S.A. 2A:58-11*. The Middlesex County Ethics 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.

12.02. An elected officer or employee of Middlesex County found guilty by the Middlesex County Ethics Board of the violation of any provision of this Section or of any code of ethics in effect pursuant to this Section, shall be fined not less than \$100.00 nor

more than \$500.00, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999", (N.J.S.A. 2A:58-11).

- 12.03.** The finding by the Middlesex County Ethics Board that an appointed officer or employee of Middlesex County is guilty of the violation of the provisions of this code of ethics 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 code of ethics, 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 and the rules promulgated pursuant thereto.

Section 13. Records of Ethics Board

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

Section 14. Effective Date

- 14.01.** This code of ethics shall take effect upon adoption, publication, public hearing and final adoption as required by law.

Section 15. Limitations

- 15.01.** To the extent that any term contained herein is not defined, then the definition, if any, contained in the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 *et seq.* shall control.