

EDITORIALS

More work needed

During the course of its business, a municipal governing body grants many contracts to private entities for services such as legal representation, financial reviews and capital projects. Each contract means taxpayer money is spent, so residents expect each has been awarded without outside influence.

The city councils in Orange and East Orange understood this and considered “pay-to-play” ordinances. One was approved in East Orange; Orange’s is scheduled for a final vote on Tuesday.

East Orange’s ordinance limits contributions to city or Essex County candidates by businesses which may be in a position to seek contracts for “professional” or “extraordinary unspecified” services. Those contracts can be awarded without competitive bids, usually for specialized services.

The legislation appears tight: maximums of \$300 to municipal candidates and political committees or \$500 to joint committees for municipal candidates; \$500 to county political and political action committees; a total of \$2,500 for all contributions. It’s strict because the limits are for a calendar year; businesses may not exceed those amounts for one year prior to entering negotiations for a contract, and they shall not make contributions to the political entities during the period of service.

Orange’s measure, however, appears short and sweet but extremely lacking and should be withdrawn for further consideration.

In just one paragraph, the council would prohibit individuals and businesses which give more than \$300 to municipal candidates and political committees from receiving contracts for one year after the contributions were made. The prohibition goes farther than in East Orange, but unlike that city’s new ordinance, Orange’s proposed measure does not define “business entity.” That means an owner, partners and their family members could argue they legally can still make larger individual contributions, which would make a mockery of this legislation.

The proposal also is legally flawed in that it does not limit what contracts would be covered. East Orange’s ordinance correctly notes state law does not provide exemptions for contracts that were awarded through competitive bidding. In those cases, contribution limits set by the state Election Law Enforcement Commission are enforced.

While we hope previous contracts have not been awarded based on how much a business contributes to a politician, especially to those who make the decisions, appearance is everything. Residents deserve to be assured contracts have been awarded based on qualifications. That appears to have been accomplished in East Orange; more work is needed in Orange.