

Councilwoman Bills introduced and offered for adoption the following resolution:

RESOLUTION NO. 38-2010

A RESOLUTION TO AFFIRM THE BOROUGH OF SEA BRIGHT'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEE, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMEBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Sea Bright to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Sea Bright has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sea Bright that:

Section 1: No official, employee, appointee or volunteer of the Borough of Sea Bright by whatever title known, or any entity that is in any way a part of the Borough of Sea Bright shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitution rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Sea Bright's business or using the facilities or property of the Borough of Sea Bright.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Sea Bright to provide services that otherwise could be performed by the Borough of Sea Bright.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator/Clerk shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator/Clerk shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Sea Bright as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator/Clerk shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator/Clerk shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Sea Bright. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Sea Bright's web site: www.seabrightnj.org

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the Asbury Park Press and the Sea Breeze Newsletter in order for the public to be made aware of this policy and the Borough of Sea Bright's commitment to the implementation and enforcement of this policy. This resolution shall also be incorporated into the Borough's Personnel Handbook.

Seconded by Councilwoman Long and adopted upon the following roll call vote:

Ayes: Bills, Kelly, Long, Murphy

Nays: None

Abstain: None

Absent: Keeler, LoBiondo

I, Maryann M. Smeltzer, Municipal Clerk,
Do hereby certify that the foregoing is
A resolution adopted by the Borough
Council of the Borough of Sea Bright,
County of Monmouth, State of New Jersey,
At a Council Meeting held on January 19,
2010.

MARYANN M. SMELTZER, RMC
Municipal Clerk