

**RESOLUTION NO. 20-201**

**A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH LABOR ATTORNEY TO INITIATE AN INDEPENDENT INVESTIGATION INTO THE FACTS AND CIRCUMSTANCES REGARDING THE BOROUGH’S RECENT SANITATION CONTRACT BID AND THE RELEASE OF CONFIDENTIAL INFORMATION RELATED THERETO**

**WHEREAS**, the Mayor & Council of the Borough of Red Bank, County of Monmouth, State of New Jersey (the “Borough”) is authorized by N.J.S.A. 40:48-25, *et seq.* to conduct, by committee, municipal investigations into any affairs and/or operations of the Borough; and

**WHEREAS**, during the summer of 2020, the Borough considered, revised, advertised, and solicited certain bid specifications for the Borough’s upcoming sanitation contract; and

**WHEREAS**, during the aforementioned bid processes, certain correspondence transpired between Borough officials, the legality and effect of which has now been questioned; and

**WHEREAS**, during the aforementioned bid processes, presently unknown person(s), without proper authorization, released confidential information to the public regarding same; and

**WHEREAS**, in light of the foregoing circumstances, the Borough’s Mayor & Council have resolved to investigate the matter to ensure the legitimacy of the bid process and to implement any necessary corrective action(s) going forward; and

**WHEREAS**, because the Borough’s Mayor & Council, as well as the Borough Attorney, are among the Borough officials with access to the confidential information released, it would be inappropriate for the municipal investigation to involve said parties;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. The Borough’s Mayor & Council hereby resolve to delegate their municipal investigative authority under Title 40 of the New Jersey Revised General Statutes to an independent investigator to ensure a transparent and detached investigation of the facts and circumstances of this matter.

2. The Borough Labor Attorney, who has no knowledge or involvement in subject bid specifications, shall solicit potential investigators from amongst the locally practicing retired judges in Monmouth, Middlesex, and Ocean Counties, as appropriate in his discretion.

3. The Borough Labor Attorney shall select the investigator to be retained upon terms that shall presented to the Mayor & Council in a future Resolution for consideration and approval.

4. A certified copy of this resolution be forwarded to the Borough Administrator, Borough Attorney, Chief Financial Officer, and the Borough Labor Attorney,

	Motion	Yes	No	Abstain	Absent
Councilman Yassin					
Councilwoman Triggiano					
Councilman Ballard					
Councilman Yngstrom					
Councilman Zipprich					
Councilwoman Horgan					

Dated: August 19, 2020