

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 22-77**

**A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH DANIEL J. O'HERN,
JR., ESQ., INDIVIDUALLY, AND BYRNES, O'HERN & HEUGLE AS DEFENSE COUNSEL FOR THE
BOROUGH OF RED BANK IN THE MATTER OF HORGAN, ET AL. v. BOROUGH OF RED BANK, ET AL. –
MON-L-542-22**

Councilman Ballard offered the following ordinance and moved its introduction:

WHEREAS, pursuant to N.J.S.A. 40A:11-1 *et seq.*, the Borough desires to retain Daniel J. O'Hern, Jr., Esq. of the law firm of Byrnes, O'Hern & Heugle as Defense Counsel for the Borough of Red Bank in the matter of Horgan, et al. v. Borough of Red Bank, et al. (the "Action"); and

WHEREAS, the value of the services to be provided by Daniel J. O'Hern, Jr., Esq. and Byrnes, O'Hern & Heugle is not expected to, but may exceed \$17,500.00; and

WHEREAS, the term of the Borough's contract with Daniel J. O'Hern, Jr., Esq. and Byrnes, O'Hern & Heugle shall, if not renewed, terminate within one-year of the date of this Resolution in accordance with N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, Byrnes, O'Hern & Heugle shall be required to complete and submit a Business Entity Disclosure Certification which certifies that Byrnes, O'Hern & Heugle has not made any reportable contributions to a political or candidate committee in the Borough of Red Bank in the previous one year, and that the contract will prohibit Byrnes, O'Hern & Heugle from making any reportable contributions during the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute a retention agreement with Daniel J. O'Hern, Jr., Esq. and Byrnes, O'Hern & Heugle, as defense counsel for the Borough of Red Bank in the Action, at an hourly rate not to exceed \$210.00, with an initial total amount not to exceed \$7,500.00; and

BE IT FURTHER RESOLVED that this contract is awarded without bidding as a "Professional Services Contract: in accordance with N.J.S.A. 40A:11-5(1)(a)(1) of the Local Public Contracts Law; and

BE IT FURTHER RESOLVED that the Chief Financial Officer hereby certifies that the account number to be charged is 2-01-20-712-207 - Legal Services.

Seconded by Councilwoman Triggiano and approved on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Mirandi	()	()	(x)	()
Councilwoman Sturdivant	(x)	()	()	()
Councilwoman Triggiano	(x)	()	()	()
Councilman Ballard	(x)	()	()	()
Councilman Zipprich	()	()	(x)	()
Councilwoman Horgan	()	()	()	(x)

Dated: March 18, 2022

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on March 18, 2022.

Bonnie K. Thomas

Bonnie K. Thomas, Acting Municipal Clerk