

ORDINANCE NO. 2016-21

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF RED BANK BY ADOPTING A NEW ARTICLE XVII, MUNICIPAL ATTORNEY, TO BE ADDED TO CHAPTER 90, OFFICERS AND EMPLOYEES.

Councilman Zipprich offered the following ordinance and moved its adoption:

WHEREAS, the Mayor and Council has determined it to be in the best interests of the Borough of Red Bank to adopt new provisions regarding the Municipal Attorney; and

WHEREAS, the Borough is engaged in a codification project at this time; and

WHEREAS, it is the opinion of the Mayor and Council that said provisions should be adopted in conjunction with the adoption of the Code of the Borough of Red Bank and be designated as Article XVII of Chapter 90, Officers and Employees;

THEREFORE, the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, do hereby ordain as follows:

SECTION ONE: The following shall be adopted as Chapter 90, Officers and Employees, Article XVII, Municipal Attorney, of the proposed Code of the Borough of Red Bank:

Chapter 90

OFFICERS AND EMPLOYEES

ARTICLE XVII

Municipal Attorney

§ 90-69. Created.

There is hereby created the position of Municipal Attorney.

§ 90-70. Appointment and term of office.

The Municipal Attorney shall be appointed by the Mayor, with the advice and consent of the Borough Council, and shall serve a term of office of one year commencing on January 1 of the year of appointment and ending on December 31, or until a successor shall be appointed and qualified.

§ 90-71. Qualifications.

The Municipal Attorney shall be a duly licensed attorney-at-law of the State of New Jersey.

§ 90-72. Duties.

The duties of the Municipal Attorney shall be as follows:

A. The Municipal Attorney shall represent the Borough in all legal matters and shall advise and assist the Mayor, the Council, and various department and division directors as may be required. The Municipal Attorney shall attend meetings of the Council, draft ordinances and resolutions and give opinions and rulings on questions of law which may arise at Council meetings. The Municipal Attorney shall prepare or approve all legal instruments relating to the business of the Borough and shall represent the Borough in any litigation and conduct trials, appeals and other proceedings in which the Borough is interested as the attorney may, in his or her discretion, determine to be necessary or desirable, or as directed by the Mayor or Council;

B. The Municipal Attorney shall have the power to enter into any agreement, compromise or settlement of any litigation in which the Borough is involved, subject to the approval of Council;

C. Wherever he or she deems the interest of the Borough so to require, the

Municipal Attorney may, with the approval of the Mayor and within the limits of available appropriations, appoint special counsel to assist the Municipal Attorney in the handling of any legal matter. If the Municipal Attorney should be disqualified with respect to any matter, the Mayor may, with the approval of the Council, appoint special legal counsel to represent the Borough for and with respect to such matter;

D. The Municipal Attorney may designate another Attorney from their office, who shall be a duly licensed attorney-at-law of the State of New Jersey, to assist the Municipal Attorney in the handling of the aforementioned duties at the Municipal Attorney's request, or whenever the Municipal Attorney is temporarily unable to fulfill their role.

SECTION TWO: All ordinances or parts of ordinances inconsistent with this amending ordinance be and they are hereby repealed to the extent of such inconsistencies only.

SECTION THREE: If any section or provision of this ordinance shall be held unconstitutional or invalid by any court, the remaining sections and provisions shall, notwithstanding such holding, remain and be in full force and effect.

SECTION FOUR: This ordinance shall be in effect upon passage and publication according to law.

Seconded by Councilman Whelan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Dated: September 28, 2016

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Red Bank held on the _____ day of _____, **2016**, and will be considered for second and final passage at a meeting of the Borough Council to be held on the _____ day of _____, **2016**, at 8:00 p.m. at the Municipal Building located at 90 Monmouth Street, Red Bank, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

PAMELA BORGHI, Borough Clerk
Borough of Red Bank