

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 19-45**

**RESOLUTION APPOINTING LAWRENCE W. LUTTRELL, ESQ.
AS ALTERNATE PUBLIC DEFENDER FOR THE BOROUGH OF RED BANK**

Councilman Zipprich offered the following resolution and moved its approval:

WHEREAS, the Borough of Red Bank (the “Borough”) requires the services an Alternate Public Defender for 2019; and

WHEREAS, in late 2018, the Borough issued a Request for Qualifications seeking proposals for the provision of legal services as Borough Public Defender; and

WHEREAS, at that time, only the presently appointed Borough Public Defender submitted a response to the aforementioned Request for Qualifications, with no other responses being received by the Borough; and

WHEREAS, Lawrence W. Luttrell, Esq. served as the Borough’s Alternate Public Defender during 2018, and is qualified for the position; and

WHEREAS, Lawrence W. Luttrell, Esq. did not submit a response to the Request for Qualifications for Borough Public Defender because there was no Request for Alternate Public Defender included therein, and he did not wish to seek or appear to be seeking the position of the long-appointed current Borough Public Defender; and

WHEREAS, Lawrence W. Luttrell, Esq. has expressed his intent and willingness to continue serving as the Borough’s Alternate Public Defender during 2019; and

WHEREAS, the absence of a submittal by Lawrence W. Luttrell, Esq. in response to the Borough’s Request for Qualifications renders this award of a contract for legal services as Alternate Public Defender a “non-fair and open” contract under the New Jersey Pay-to-Play Law; and

WHEREAS, the value of the services to be provided by Lawrence W. Luttrell, Esq. as the Borough’s Alternate Public Defender are unlikely to exceed, but under unforeseen circumstances, may exceed \$17,500.00; and

WHEREAS, Lawrence W. Luttrell, Esq. shall be required to complete and submit a Business Entity Disclosure Certification which certifies that Lawrence W. Luttrell, Esq. 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 Lawrence W. Luttrell, Esq. from making any reportable contributions during the term of the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids;

NOW THEREFORE, BE IT RESOLVED, that the Mayor & Council of the Borough of Red Bank awards a contract for legal services to Lawrence W. Luttrell, Esq. to serve as the Borough's Alternate Public Defender until December 31, 2019 at an hourly rate of \$150.00; and

BE IT FURTHER RESOLVED, that a notice in accordance with this Resolution and the New Jersey Local Public Contracts Law shall be published at least one time in the Borough's official newspaper and a certified copy of this Resolution shall be provided to the Hon. Frank LaRocca, J.M.C., Borough Municipal Court Administrator, Borough Administrator, Borough CFO, and Lawrence W. Luttrell, Esq.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yassin	(X)	()	()	()
Councilwoman Triggiano	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: February 13, 2019

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 February 13, 2019.

Pamela Borghi

Pamela Borghi, Municipal Clerk