

ORDINANCE #2162

AN ORDINANCE AMENDING CHAPTER II, SECTION 5.5 OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED DEPARTMENT OF LAW

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY that Chapter II, Section 5.5 entitled “Department of Law” shall be amended and supplemented in the following manner:

There shall be a township attorney and the Township may appoint Assistant Township Attorneys and/or Conflict Township Attorneys.

a. Director. The Township Attorney shall serve as the director of the department of law.

b. Qualifications. Neither the township attorney nor any assistant township attorney/or conflict township attorney, need be a resident of the township. In lieu of appointing individuals as attorneys, the council may appoint a firm of attorneys. The individual attorneys, or members of a firm of attorneys as the case may be, shall be attorneys and counselors-at-law in good standing of the State of New Jersey.

c. Compensation and Attendance at Meetings. The township attorney shall receive an agreed upon annual retainer, and, in addition, the attorney shall be paid reasonable fees and charges for other services performed outside the scope of the retainer. The amount and specific services covered by said retainer shall be established by resolution and contract between the Township and Attorney. In addition, any assistant township attorneys or conflict township attorneys shall be paid reasonable fees and charges for any services they perform. There shall be at least one such attorney in attendance at each and every meeting of the township council. If the township attorney is unable to attend the meeting and no assistant or conflict attorney is available, the township attorney may designate an attorney to attend the meeting on his behalf at no additional cost to the township.

d. Powers and Duties. The attorneys shall have such powers and perform such duties as are provided for the office of township attorney by general law or ordinances of the township. They shall prosecute and defend actions and proceedings by and against the township and every department thereof and give all necessary legal counsel and advice where required by the manager, council or any member thereof and shall in general be the legal advisors of the township government. In furtherance of such general powers and duties, but without limitation thereto, the township attorneys shall:

1. Prepare and/or review ordinances, contracts and other legal documents connected with or relating to the township government, council or any officer, department, board or agency thereof, except as may be otherwise directed by council.
2. Review and approve all contracts, deeds, documents and instruments prior to the execution thereof by or on behalf of the township.
3. Conduct appeals from orders, decisions or judgments affecting any interest of the township, as they may in their discretion of any litigation in which the township is involved.
4. Subject to the approval of the township council, have power to enter into any agreement, compromise or settlement of any litigation in which the township is involved.
5. Render opinions in writing upon any question of law submitted to them by the manager, council, any member thereof, or the head of any department, with respect to their respective official powers and duties.
6. Maintain a record of all actions, suits, proceedings and matters which relate to the interest of the township and report thereof from time to time, as the manager or council may require.
7. Conduct certain prosecutions for offenses, cognizable by the municipal court of the township, except such crimes and offenses as it may be the duty of the county prosecutor or municipal prosecutor, including violations of ordinances of the township, complaints of any department under State law, violations of rules or regulations duly promulgated by any department and matters involving bail forfeitures.

8. Have such other different functions, powers and duties as may be provided by Charter or ordinance.

e. Vacancy of Office of Township Attorney. In the event of the death or resignation of the township attorney, or of the occurrence of a vacancy in the office of township attorney for any other reason, an assistant township attorney or conflict attorney as designated by counsel, may act as township attorney until the office is duly filled pursuant to this Charter.

f. Special Counsel. Whenever he/she deems the interests of the township so require, the township attorney may, with the approval of township council and within the limits of available appropriations, appoint special counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the township attorney and the assistant township attorney should be disqualified with respect to any matter, the council shall appoint special counsel to represent the township for and with respect to such matter.

g. Records and Papers. All papers, documents, memoranda, reports and all other materials relating to the administration of the department of law shall be and remain the property of the township. Upon the termination of their services with the township, the township attorney and the assistant township attorney shall forthwith surrender to any successor all such property, together with a written consent to substitution of any successor in all legal actions and proceedings then pending to which the township is a party.

FURTHER BE IT ORDAINED, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjusted and the remained of this ordinance shall be deemed valid and effective.

FURTHER BE IT ORDAINED, this ordinance shall take effect after its final passage and advertisement in accordance with the law.

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **February 7, 2011**.*

Vincent Buttiglieri, RMC/CMC
Township Clerk