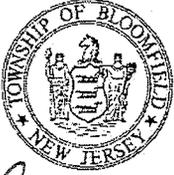


8(5)



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 07/16/12 07:00 PM

12-49

**2012 ORDINANCE AMENDMENT**

**AN ORDINANCE TO AMEND CHAPTER 5, "ADMINISTRATION OF GOVERNMENT," ARTICLE VI "Law Department," IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY**

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

**Section 1.** Chapter 5, "ADMINISTRATION OF GOVERNMENT," ARTICLE VI "Law Department" of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§ 5-40 Establishment; composition, department head; appoints; terms of office salaries and compensation.**

- A. There shall be a Department of Law, which shall consist of a Director of Law-Township Attorney, a First Assistant Director of Law-Township Attorney and Prosecutor(s).
- B. The head of the Department shall be the Director of Law-Township Attorney.
- C. The Director of Law-Township Attorney, his Assistant and the Prosecutor(s) shall be appointed by the Township Council for terms of one year commencing January 1 and shall receive such annual compensation as shall be provided in the Salary Ordinance.  
*Editor's Note: See Ch. 93, Salaries and Compensation*

**§ 5-41. Powers and duties of Director of Law-Township Attorney**

The Director of Law-Township Attorney shall:

- A. Perform the functions, powers and duties delegated to him by the Charter and by ordinance and resolution of the Township Council.
- B. Be the attorney of record in all court proceedings wherein the Township or any department or officer thereof shall be a party by virtue of their official relationship.
- C. Attend all meetings of the Township Council, whether regular, adjourned or special, and all conferences of the Township Council as requested.

APPROVED AS TO FORM AND PROCEDURE  
ON BASIS OF FACTS SET FORTH

*[Signature]*  
Director of Law - Township Attorney

- D. Advise the Mayor and Township Council, Township Administrator and Township Clerk, upon their request, on any and all legal matters relating to the Township government.
- E. Advise department heads on legal matters relating to their departments and Township government.
- F. Prepare and supervise the preparation of contracts, deeds and other legal documents required by the Township Council and administrative officers of the Township.
- G. Supervise the personnel of the Law Department, except where supervision of attorneys would conflict with the duty of their appointment.
- H. Control and manage the property of the Law Department.
- I. Perform all services necessary for the acquisition by negotiation or condemnation of property required by the Township.
- J. Review all employee accident reports and medical vouchers for injuries arising out of and in the course of employment.
- K. Provide such other legal services as may be directed by the Township Council.

**§ 5-42. Powers and duties of First Assistant Director of Law-Township Attorney**

- A. Represent the Township of Bloomfield in all claims or lawsuits brought by or against the Township, including appeals, as requested by the Township Council or the Township Attorney and perform all services related thereto.
- B. Make appearances, as required, before county and state administrative agencies.
- C. Make all appearances related to Workers Compensation Claims unless otherwise directed by the Township Attorney or by the Township Council.
- D. Be available for meetings and consultations with the Administrator or staff when requested by the Administrator.
- E. Be available for meeting and consultations with the Insurance Commission.
- F. Make appearances at meetings of the Township Council when necessary to advise the Township Council of the status of any matters the First Assistant Director of Law is responsible for pursuant to these duties.
- G. Provide such other legal services as may be directed by the Township Attorney or by the Township Council.

**§ 5-43. Powers and duties of Prosecutor(s)**

The Prosecutor(s) shall:

- A. Assist and advise department heads and police officers in the preparation, filing and prosecution of complaints in the Municipal Court.
- B. Prosecute all complaints filed in the Municipal Court as requested by the Judge of the Township.
- C. Furnish advice to the Clerk of the Municipal Court in connection with the filing of charges, when requested.
- D. Prepare charges and prosecute hearings before the Township Council and civil service for all disciplinary proceedings and before the Township Council for alcoholic beverage control violations, unless otherwise assigned by the Township Council.
- E. Represent the Township of Bloomfield in all appeals taken from decisions from the Municipal Court unless such appeal is otherwise assigned by the Township Council.
- F. Provide such other legal services as may be directed by the Township Attorney or by the Township Council.

**§ 5-44. Special counsel**

The Director of Law-Township Attorney shall have the power, with the approval of the Mayor and Council and within the limits of available appropriations, to engage such additional or specialized counsel to aid in the performance of the functions of the Department, including but not limited to acting as attorney for the Zoning Board of Adjustment, Rent Leveling Board and other boards of the Township and in the preparation, trial or appeal of such cases or proceedings of importance in which the Township may be a party or be interested. The Township Council shall appoint special counsel to provide professional services as Tax Counsel (State and County Tax Appeals), Bond Counsel, Labor Counsel, and Redevelopment Counsel.

**§ 5-45. Compromise power limited.**

The Township's attorneys shall not, without the approval of the Council by resolution, be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the Township or to accept any offer of judgment in favor of the Township, provided that this section shall not operate to limit or abridge the discretion of the Township's attorneys in regard to the proper conduct of the trial of any action or proceedings or to deprive them of the powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients.

**Section 2.** All ordinances inconsistent herewith are hereby repealed.

**Section 3.** This ordinance shall take effect upon final passage and publication in accordance with the law.

\*...\*...\*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .

*Louise M. Galliano*  
 \_\_\_\_\_  
 Municipal Clerk of the Township of Bloomfield

*Raymond DeBus*  
 \_\_\_\_\_  
 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 1943					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve					
<input type="checkbox"/> Veto by Mayor					

✓ Vote Record - Ordinance 1943					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Approve					
<input type="checkbox"/> Veto by Mayor					