

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II, SECTION 2-9, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
ENTITLED “DEPARTMENT OF LAW”.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that Chapter II, Section 2-9, of the Revised General Ordinances of the Township of West Orange, entitled “Law Department”, shall be amended and supplemented to modify Sections 2-9.1, Township Attorney, 2-9.2, Duties of the Township Attorney, 2-9.3, Assistant Township Attorney, and 2-9.4, Special Counsel, to make them consistent with recent practice and best practices going forward with respect to the operation of the Law Department.

Section 1. The Revised General Ordinances of the Township of West Orange are amended and supplemented to read as follows:

CHAPTER II

2-9 DEPARTMENT OF LAW.

2-9.1 Township Attorney

There shall be a Department of Law, the director of which shall be the Township Attorney. The Township Attorney shall be appointed by the Mayor with the advice and consent of the Council, need not serve full time, and shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor, with the manner and amount of compensation to be approved by the Governing Body. The Department of Law shall consist of the Township Attorney and such other employees as are hired by the Township Attorney with approval of the Governing Body, including, but not limited to, an Assistant Township Attorney. (1972 Code § 2-6.1)

2-9.2 Duties of the Township Attorney.

The Township Attorney shall be the attorney for the Township as a municipal corporation of the State of New Jersey and he or she shall provide that entity and its officers in their official capacity with all appropriate legal advice, opinions and services which they may require, at all times being subject to the laws, regulations, ordinances and rules of the State of New Jersey, County of Essex, Township of West Orange, and as the same may be interpreted by the courts having proper jurisdiction.

The duties of the Township Attorney shall include at least the following and may be performed by him or her personally, or as delegated to one or more subordinates:

- a. Provide legal advice and opinions, whether orally and informally, or in formal written form, to those Township Officials, elected or appointed, including, but not limited to, the Mayor, Council, Business Administrator, Chief Financial Officer, or any Department Director, requesting same in the course of performing their official duties and to ensure that such performance and the operation of the municipal corporation in the administration of municipal affairs is lawful and proper;
- b. Attend all meetings of the Township Council and provide legal advice to the Council as necessary to ensure that the proceedings are conducted in a lawful and proper manner, and to provide legal advice on all matters of Township business;
- c. Represent the Township in any and all judicial and administrative proceedings, whether before a Judge, Arbitrator, or Mediator, in which the Township, or any of its officers in their official capacity, may have an interest, or before the Council sitting as an administrative authority, including, but not limited to, ABC matters;
- d. Represent the Township in any transactional matters, including, but not limited to, the purchase and/or sale, or lease of property, real or personal, in which the Township has an interest;
- e. Draft, or review and approve as to form and sufficiency, all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Township;
- f. Enter into any agreement, compromise, or settlement of any litigation in which the Township is involved, subject to the approval of the Governing Body;
- g. Supervise and direct the work of such additional attorneys, technical and professional assistants as may be authorized by the Governing Body for regular or special employment by or for the Township.

(1972 Code § 2-6.2; Ord. No. 288-73 §§ 1-4; New)

2-9.3 Assistant Township Attorney.

Subject to Governing Body approval, there shall be an Assistant Township Attorney appointed by the Township Attorney, who shall supervise same and delegate and assign those of his duties, or portions of them, which in the Township Attorney's judgment will contribute to and facilitate the efficient and effective operation of the Law Department. The Assistant Township Attorney shall be authorized to perform all of the duties of the Township Attorney in the event of his or her absence or unavailability, and subject to the Township Attorney's delegation of authority to avoid any duplication of services. The Assistant Township Attorney need not serve full time and shall be subject to annual reappointment with the manner and amount of compensation to be approved by the Governing Body. (1972 Code § 2-2-6.4)

2-9.4 Special Counsel.

Subject to Governing Body approval, the Township Attorney may appoint such Special Counsel as may be required or advisable to handle matters in which a conflict of interest precludes representation by the Township Attorney or Assistant Township Attorney, or which due to its complexity, special nature, time demands or constraints, or for any good reason, would benefit from the special experience and/or training of the Special Counsel to be hired. Such Special Counsel need not serve full time and would be expected to serve for the duration of the matter for which he or she was appointed, subject to annual reappointment with the manner and amount of compensation to be approved by the Governing Body. Special Counsel would be subject to the supervision of the Township Attorney who would monitor the work, review and approve the bills of all Special Counsel. (1972 Code § 2-6.4)

Section 2. The remainder of Chapter II and Section 2-9, remain unchanged.

Section 3. If any part of this Ordinance is determined to be invalid, such part shall be severed and its invalidity shall not affect the remaining parts of this Chapter.

Section 4. Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance shall be and the same are hereby repealed as to and to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Susan McCartney, Council President

Robert D. Parisi, Mayor

Approved as to form and legality on the
basis of the facts provided.

Karen J. Carnevale, Municipal Clerk

First Reading: September 17, 2013

Second Reading: October 1, 2013

LEGISLATIVE HISTORY

The Law Department section of the Administrative Code is being modified to more accurately set forth the manner in which it has been operated for the past decade or more and to promote and provide for best practices as recommended by the Office of the NJ State Comptroller.