



Legislation Details (With Text)

File #: 19-0117 **Version:** 1 **Name:** Ordinance increasing Authority of Corporation Counsel
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Title: AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 6, DEPARTMENT OF LAW, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING ARTICLE 2, CORPORATION COUNSEL, TO EXPAND THE LIMITATION ON POWER TO COMPROMISE, SETTLE, ADJUST ANY RIGHTS, CLAIMS OR DEMANDS OR CAUSES OF ACTION IN FAVOR OF OR AGAINST THE CITY OF NEWARK TO AN AMOUNT NOT TO EXCEED \$40,000.00 WITHOUT THE APPROVAL OF THE MUNICIPAL COUNCIL.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
3/6/2019	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/22/2019	1	Municipal Council	Adopt on First Reading	Pass
2/20/2019	1	Municipal Council	No Action Taken	
2/6/2019	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE AMENDING TITLE II, ADMINISTRATION, CHAPTER 6, DEPARTMENT OF LAW, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY AMENDING ARTICLE 2, CORPORATION COUNSEL, TO EXPAND THE LIMITATION ON POWER TO COMPROMISE, SETTLE, ADJUST ANY RIGHTS, CLAIMS OR DEMANDS OR CAUSES OF ACTION IN FAVOR OF OR AGAINST THE CITY OF NEWARK TO AN AMOUNT NOT TO EXCEED \$40,000.00 WITHOUT THE APPROVAL OF THE MUNICIPAL COUNCIL.

WHEREAS, on August 1, 1990, the Municipal Council of the City of Newark adopted Ordinance 6S&Fc granting the Corporation Counsel of the City of Newark the authority to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the City of Newark, in the amount of Nine Thousand Two Hundred (\$9,200.00) Dollars; and

WHEREAS, the Municipal Council was desirous of adjusting the above figure in line with N.J.S.A 40A:11-3(c), which authorizes the Governor of the State of New Jersey to adjust the bid threshold in direct proportion to the rise or fall of the index rate as that term is defined in Section 2 of P.L. 1971, c. 198 (C. 40A:11-2); and

WHEREAS, the bid threshold for Municipalities with Qualified Purchasing Agents (QPA) is Forty Thousand Dollars and Zero Cents (\$40,000.00), as adjusted by the Governor on July 1, 2015;

and

WHEREAS, from time to time it becomes necessary to amend the Code of the City of Newark to indicate the automatic adjustment authorized by Ordinance 6S&Fc August 1, 1990.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

[Editor's Note: Additions are shown as underlined and bold. Deletions are shown as strikethroughs].

SECTION 1: Title II, Administration, Chapter 6, Department of Law, Article 2, Corporation Counsel, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

2:6-2.4. Limitation on Power to Compromise.

The Corporation Counsel shall not, without the approval of the Municipal Council by Resolution, be empowered to:

- a. Compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the City except that the Corporation Counsel may settle any case for a sum not to exceed **Forty Thousand Dollars and Zero Cents (\$40,000.00)** ~~twelve thousand three hundred (\$12,300.00)~~ without the approval of the Municipal Council. A copy of such settlement agreement and Certification of Funds shall be submitted to the City Clerk within thirty (30) days after the settlement by the Corporation Counsel;
- b. The amount (value) referred to in paragraph a. shall be adjusted consistent with N.J.S.A. 40A:11-3(b c) which provides for a ~~semi-annual, odd-year~~ **an** adjustment of this amount **by March 1 every fifth (5th) year**.
- c. Permit, offer or confess judgment against the City; and
- d. Accept any offer of judgment in favor of the City.

This subsection shall not operate to limit or abridge the discretion of the Corporation Counsel in regard to the proper conduct of the trial of any action or proceeding, or to deprive him/her of the powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients.

SECTION 2: If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3: The Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance Amends Title II, Administration, Chapter 6, Department of Law, Article 2 Corporation Counsel, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented to expand the limitation on the power of the Corporation Counsel to compromise, settle, adjust any rights, claims or demands or causes of action in favor of or against the City to an amount not to exceed \$40,000.00 without the approval of the Municipal Council.