



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 12-0567, Version: 1

**Dept/ Agency:** Office of the Mayor/Municipal Court

**Action:** (X) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Intergovernmental Agreement

**Purpose:** To provide prosecutorial services for Sunday Arraignment Court

**Entity Name:** Essex County Prosecutor's Office

**Entity Address:** Essex County Court Building, 50 West Market Street, Newark, New Jersey 07102

**Contract Amount:** Not to exceed \$23,920.00

**Funding Source:** City of Newark Budget/Office of the Mayor/Open-Ended

**Contract Period:** January 1, 2012 through December 31, 2012

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a

**Additional Information:**

N.J.S.A. 40A:11-5(2) An agreement entered into between a municipality and county agency.

**No Action Taken, November 20, 2012**

**WHEREAS**, the New Jersey Supreme Court has approved a plan for the Newark Municipal Court to schedule weekend sessions for the purpose of conducting first appearances for incarcerated defendants; and

**WHEREAS**, Sunday Arraignment Court continues to be efficient and surpasses established goals as it positively impacts on all aspects of the Municipal Court judicial process, as indicated in the case activity reflected herein,

<b>SUNDAY ARRAIGNMENT COURT January 1, 2011 through November 30, 2011</b>	
<b>Prisoners on Board</b>	<b>957</b>
<b>Prisoners Committed to Central Judicial</b>	<b>274</b>
<b>Adjourned Cases</b>	<b>502</b>
<b>Disposed Cases</b>	<b>745</b>
<b>Complaints Heard</b>	<b>1,259</b>
<b>Prisoners Heard</b>	<b>822</b>

**WHEREAS**, the success of Sunday Arraignment Court continues in the following areas:

- Defendants are afforded timely arraignments and/or pre-trial conferences for speedy due process as promulgated by Court Rule and speedy referrals to Central Judicial Processing; and

- The court case management is not adversely affected by the increase in the number of arrests and/or special activity of the Newark Police Department; and
  - The process of screening complaints, particularly on weekends, by the Essex County Prosecutor's Office provides better service to the judiciary and assists in the disposition of cases; and
  - Domestic violence cases are expedited more efficiently; and
  - Weekend arraignment positively impacts on the continued success of the Newark Municipal Court's continued backlog reduction; and

**WHEREAS**, having weekend sessions of the Arraignment Court at the Newark Municipal Court serves the goals of alleviating the backlog of arrestees awaiting arraignment and serves to make the Monday court calendar manageable; and

**WHEREAS**, in order for the weekend session of the Arraignment Court to function on Sundays, the services of the Essex County Prosecutor's Office, specifically one (1) Supervisory Assistant Prosecutor and one (1) Assistant Prosecutor are needed to review certain indictable cases; and

**WHEREAS**, the Chief Judge of the Newark Municipal Court recommends continuation of the Sunday Arraignment Court upon approval by the Business Administrator; and

**WHEREAS**, State Pay-to-Play, N.J.S.A. 19:44A-20.5, does not apply as this is an Agreement between two (2) governmental agencies; and

**WHEREAS**, this agreement is authorized by N.J.S.A. 40A:11-5(2) because it is an agreement entered into between a municipality and county agency.

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

1. The Mayor and/or Business Administrator are authorized to enter into and execute an Agreement between the City of Newark and the Essex County Prosecutor's Office, an Essex County agency, at the Essex County Court Building, 50 West Market Street, Newark, New Jersey 07102 for Sunday Arraignment Court.
2. The Municipal Council of the City of Newark hereby ratifies the Agreement between the Essex County Prosecutor's Office and the City of Newark from January 1, 2012 to the date of adoption.
3. The Agreement is for an amount not to exceed \$23,920.00, for a period from January 1, 2012 through December 31, 2012.
4. This Contract is awarded as an open-ended contract under N.J.A.C. 5:30-5.5(b)(2). Certification of Availability of Funds shall be executed each time an order is placed and

charged against this contract.

5. The Business Administrator shall cause to have the fully executed agreement in the form attached hereto and filed with the Office of the City Clerk.
6. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
7. There shall be no amendments or changes without approval of the Municipal Council of the City of Newark.
8. This Agreement falls outside of the State Regulations of N.J.S.A. 19:44A-20.5 because the Agreement is between two (2) government agencies.
9. A notice of this action shall be printed in a local newspaper as required by law within ten (10) days hereof.

#### STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to execute an Agreement between the City of Newark and the Essex County Prosecutor's Office, to provide prosecutorial services for Sunday Arraignment Court, for the period January 1, 2012 through December 31, 2012, for an amount not to exceed \$23,920.00.