



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1695, Version: 1

Dept/ Agency: Finance

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

Purpose: Request to the Local Finance Board for approval to re-establish the Alcohol Education Rehabilitation and Enforcement Fund

Name of Project(s): DWI Alcohol Education Rehabilitation and Enforcement Fund

Amount to be Financed: \$21,950.93

Funding Source: Alcohol Education Rehabilitation and Enforcement Fund Account Balance

Local Finance Board meeting date(s):

No Action Taken 7R5-a 100213

No Action Taken 7R5-a 101013

WHEREAS, the Alcohol Education Rehabilitation and Enforcement Fund Law (*N.J.S.A. 26:2B-32 to 35*) establishes the alcohol fund and states that the funds “shall be allocated to the municipality for the purpose of maintaining its municipal court, which may include payments to municipal court judges, municipal prosecutors and other municipal court personnel for work performed in addition to regular employment hours” *N.J.S.A. 26:2b-35*; and

WHEREAS, the sole use of this fund is to finance work that facilitates the adjudication of Driving While Intoxicated (DWI) cases and it is not for the purpose of supplementing the municipal court’s budget; and

WHEREAS, in order to ensure that these funds are expended in accordance with the statute, all proposed expenses must be submitted to the Assignment Judge, and/or his or her designee, per *New Jersey Court Rule 1:33-4* for approval prior to committing or disbursing these funds; and

WHEREAS, the Municipal Court for the City of Newark has been awarded a total of \$21,950.83 in Alcohol, Education, Rehabilitation and Enforcement funds in years 2000, 2001, 2002, 2003, and 2010 from the State of New Jersey, Department of Treasury, Motor Vehicle Commission; and

WHEREAS, on or about December 31, 2009, the funds from the Alcohol Education Rehabilitation and Enforcement Grant budget, in the amount of \$21,950.93, were cancelled at year end due to inactivity; and

WHEREAS, the funds received from the Alcohol Education Rehabilitation and Enforcement Fund must be used in accordance with the statute; and

WHEREAS, pursuant to instruction by the Assignment Judge of the Superior Court of New Jersey, the City shall immediately restore the amount of \$21,950.93 and make these funds available for the municipal court’s immediate use.

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

1. The Mayor and/or his designee, the Director of Finance, is hereby authorized by the Municipal Council of the City of Newark to request permission of the Director of the Division of Local Government Services for the approval to re-establish funds that were cancelled due to inactivity as of December 31, 2009 for the Alcohol Education Rehabilitation and Enforcement Fund for the exclusive use of the Municipal Court of the City of Newark when approved and authorized by the Assignment Judge of the Superior Court of New Jersey, Essex Vicinage.

2. The Alcohol Education Rehabilitation and Enforcement funds are appropriated for the purposes to which said funds are dedicated by statute or other legal requirement and shall be dispersed for the purposes required by statute or other legal requirement, in this instance, as follows:
 - Newark Municipal Court use of the funds is limited to the management of DWI matters, including:
 - Special DWI court session compensation for the judges, court personnel, municipal prosecutors, interpreters, and where cases involve indigents, the public defender, so long as these sessions are conducted after close of regular court session.
 - Purchase of DWI forms, supplies, and tickets relating to DWI cases.
 - Purchase of DWI publications and any other items needed to process DWI cases.

3. The Finance Director has affirmed that the funds are available and shall be reinstated: 051 G04 H24P0 B2004.

4. The City Clerk of the City of Newark, State of New Jersey, is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

STATEMENT

This resolution requests the approval of the Director of the Division of Local Government Services to re-establish funds received by Municipal Court of the City of Newark from the State of New Jersey's, Department of Treasury, Motor Vehicle Commission Alcohol Education Rehabilitation and Enforcement Fund Law (*N.J.S.A. 26:2B-32 to 35*) and *New Jersey Court Rule 1:33-4* from the years of 2000, 2001, 2002, 2003, and 2010 in the total amount of \$21,950.83.