



Legislation Details (With Text)

File #: 12-1967 **Version:** 1 **Name:** Retention of outside counsel for Save Our Water Ord.
Type: Resolution **Status:** Filed
File created: 9/20/2012 **In control:** Municipal Council
On agenda: **Final action:** 9/19/2012

Title: [Enter Text Here]
Dept/Agency: Offices of Municipal Council and City Clerk
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Legal Representation
Purpose: To represent the Municipal Council
Additional Information:
Sponsor: Council Member Rice

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/19/2012	1	Municipal Council	Adopt	Pass

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WHEREAS, the Municipal Council of the City of Newark has previously approved the Save Our Water Ordinance presented to the Municipal Council by citizen initiative petition; and

WHEREAS, the Administration of the City of Newark, employing the use of outside counsel, has filed a lawsuit in Superior Court, Law Division, Essex County under Docket No. L-6649-12 seeking to invalidate the Save Our Water Ordinance contending that the Ordinance violated the Faulkner Act, which case is presently pending before the Court; and

WHEREAS, the adverse legal positions of the parties presents a legal conflict between the City of Newark Administration and the Municipal Council which requires that the Municipal Council obtain an outside legal counsel to represent its interests in the litigation; and

WHEREAS, the Newark Watershed Conservation and Development Corporation, a non-profit corporation, created by the Municipal Council has filed an application to the Superior Court seeking to intervene in the lawsuit to attempt to invalidate the Save Our Water Ordinance and the Watershed

has served copies of its legal pleadings on each of the nine Municipal Council members; and

WHEREAS, in addition thereto, the Newark Watershed Conservation and Development Corporation has recently convened a meeting and purportedly changed its by-laws removing any reference to the City of Newark/Municipal Council and purportedly declaring itself to be an independent corporation without affiliation with the City of Newark/Municipal Council, which action the Municipal Council deems to be illegal and ultra vires, further requiring the Municipal Council to obtain outside legal counsel of its own to litigate against these unlawful actions; and

WHEREAS, the Newark Watershed Conservation and Development Corporation in its legal action to intervene in the pending lawsuit has contended that the Newark Municipal Council acted beyond the scope of its powers, by attempting to dissolve the Newark Watershed by the adoption of the Save Our Water Ordinance, which puts the Corporation Counsel of the City of Newark in a conflicted position whereby that office cannot represent the Municipal Council and therefore should take immediate action to see to it that an outside law firm is retained to represent the interests of the Newark Municipal Council.

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

That the Corporation Counsel is hereby petitioned to immediately authorize the retention of an outside law firm by the Municipal Council to represent the Municipal Council in the pending litigation and related legal matters.

STATEMENT

This Resolution authorizes retention of an outside law firm to represent the Municipal Council in pending litigation pertaining to the Save Our Water Ordinance and other related legal matters.