



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

Resolution 20-009

A Resolution Appointing a Municipal Attorney for the Calendar Year 2020 & Authorizing the Award of a Fair and Open Contract for Professional Legal Services Contract

WHEREAS, N.J.S.A 40A: 9-139 requires the appointment of a Municipal Attorney; and,

WHEREAS, The position of Borough Attorney shall be a one-year appointment, for the calendar year 2020 or until the successor is appointed, during which time general routine legal services and attendance at meetings will be provided at the rate specified and approved, and in addition other legal services of an extraordinary nature may be authorized pursuant to which the attorney shall be compensated at an hourly rate plus out-of-pocket expenses, as established in the contract agreement executed with the Borough of Highlands; and,

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2020 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, The Borough of Highlands, a municipal corporation with its Borough Hall at 40 Shore Drive, Highlands, New Jersey, 07732 through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 solicited proposals from qualified attorneys for the appointment and position of Borough Attorney for the calendar year 2020; and,

WHEREAS, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications and said requests for Professional Services – Municipal Attorney were received in the Office of the Municipal Clerk no later than 10:45 am on November 26, 2019; and

WHEREAS, the Borough has reviewed all proposals received and has determined that the Mayor and Borough Council desires to authorize the execution of a professional services contract between the following listed persons/firms and the Borough for the provisions of said services for the year of 2020; and

WHEREAS, Kimberly Gonzales, QPA has determined and is certifying that the value of the contract will exceed \$17,500 and the terms of this contract will terminate on December 31, 2020; and,

WHEREAS, certification of availability of funds has been provided by the Chief Financial Officer contingent upon the adoption of the 2020 budget.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highlands as follows:

1. Brian J. Chabarek, Esq. of the Law Firm of Davison, Eastman, Muñoz, & Paone, P.A. is hereby appointed Borough Attorney for the calendar year 2020 and is a

awarded a professional services contract for an amount not to exceed \$66,000 plus reimbursable expenses for professional legal services for the period of January 1, 2020 through December 31, 2020 at the rate of a monthly retainer in the amount of \$5,500 and an hourly rate of \$150 per hour for services outside of the contract.

2. That the services to be rendered shall be in compliance with the Laws of New Jersey.
3. The Mayor and Borough Clerk are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. This contract is awarded without competitive bidding as "Professional Services" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
5. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
6. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL		X	X			
MAZZOLA			X			
RYAN			X			
VALKOS			X			
BROULLON	X		X			

R-20-009

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.
DATE OF VOTE: 01/01/2020


Matthew Conlon, RMC, Municipal Clerk

