

# ORDINANCE

No. **19-83**

1<sup>st</sup> Reading **DEC 05 2019**

Public Hearing **JAN 09 2020**

2<sup>nd</sup> Reading & Passage **JAN 09 2020**

Withdrawn \_\_\_\_\_ Lost \_\_\_\_\_

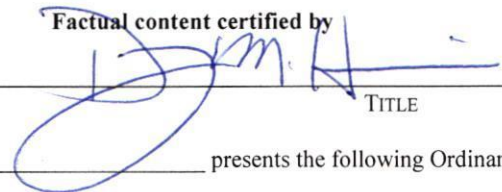
Date to Mayor **JAN 15 2020**

Date Returned **FEB 05 2020**

Date Resubmitted to Council \_\_\_\_\_

Approved as to Form and Legality

Factual content certified by



TITLE

CITY ATTORNEY

Councilman /woman \_\_\_\_\_ presents the following Ordinance:

## **ORDINANCE AMENDING CHAPTER 2-21 ET SEQ, CREATING AND EXPANDING THE NUMBER OF ASSISTANT CITY ATTORNEYS AND LEGAL ASSISTANTS IN THE DEPARTMENT OF LAW NECESSARY TO SUPPORT THE CITY ATTORNEY**

**WHEREAS**, it is the intent of the Trenton City Council to adhere to and enforce the requirements as established in Section 2-95 of the City Code regarding residency;

**NOW, THEREFORE, BE IT ORDAINED**, Chapter 2-12, of the Trenton City Code is amended as follows, with a ~~strikeout~~ designating those matters being removed from the existing City Code and **those matters being added being shown by bold and underlined type.**

§ 2- 21 City Attorney,

There shall be a Department of Law, the head of which shall be the City Attorney. (S)He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. Prior to his/her appointment (s)he shall have been duly admitted to the practice of law in this state and a member in good standing, for at least five years, except that this requirement may be waived by the Mayor with the approval of the City Council.

Whenever (s)he deems the interests of the City so require the City Attorney may, with the approval of the Mayor and Council and within the limits of available appropriations, appoint special counsel to assist him/her in the preparation, trial or argument of such legal matters or proceedings as (s)he may determine. If the City Attorney should be disqualified with respect to any matter, the Mayor shall appoint special counsel, with the approval of the City Council, to represent the City for and with respect to such matter.

§ 2-2 2 Professional assistants.

The City Attorney shall appoint assistant City Attorneys and legal assistants, each to serve during the term of office of the City Attorney appointing him. Prior to their appointment each of them shall have been admitted to the practice of law in the State of New Jersey, and a member of the bar in good standing, for at least three years, except that the requirement for three years admission to practice law in the State of New Jersey may be waived by the City Attorney with the approval of the Mayor for the position of legal assistant. The number of assistant City attorneys shall be seven (7) in number. The Department shall also hire a total of three legal secretaries, four paralegals and a Management Specialist. **The attorneys hired for the position**

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~~of assistant City attorney need not comply with Section 2-95 of the City Code regarding residency although residence, Residents of the City of Trenton shall receive preferential treatment in the hiring process.~~ The City Council is empowered by this Ordinance to increase the number of attorneys and legal assistants in the Department of Law by resolution.

§ 2-23 Powers and duties.

The City Attorney shall be the legal advisor to the Mayor, the Council and all departments except as may be otherwise provided by the Charter. (S)He shall prosecute and defend actions and proceedings by and against the City and every department thereof. In furtherance of these general powers, and without limitation thereto, (s) he shall:

- a) Advise the Council as to the form and sufficiency of all ordinances and resolutions prior to their passage.
- b) Review and approve all contract deeds, documents and instruments prior to the execution thereof by or on behalf of the City.
- c) Conduct appeals from orders, decisions or judgments affecting any interest of the City as (s) he may in his/her discretion determine to be necessary or desirable, or as directed by the Mayor or Council.
- d) Subject to the approval of the Council, have power to enter into agreement, compromise or settlement of any litigation in which the City is involved.
- e) Render opinions in writing upon any question of law submitted to him/her by the Mayor, the Council, the Business Administrator or the head of any department with respect to their official powers and duties.
- f) Maintain a record of all actions, suits, proceedings and matters which relate to the City's interest and report thereon from time to time as the Mayor or Council may require.
- g) Conduct, when requested by the magistrate of the Municipal Court of Trenton, prosecution for crimes and offenses cognizable by the Municipal Court, except such crimes and offenses as it may be the duty of the county prosecutor to prosecute, including violations of ordinances of the City, complaints of any department under state law and violations of rules or resolutions duly promulgated by any department.
- h) Have such other and different functions, powers and duties as may be provided by charter or ordinance.








**CITY OF TRENTON  
DEPARTMENT OF LAW  
MEMORANDUM**



**DATED:** January 30, 2020  
**TO:** Dwayne Harris, City Clerk  
**FROM:** John Morelli, Esq., DIRECTOR OF LAW   
**SUBJECT:** Ordinance 19-83 Amending Chapter 2-21 et seq

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Ordinance 19-83 was not submitted to the Law Department for Approval as to Form and Legality. Therefore, it was not adopted legally. Please be guided accordingly.

JM:sdmr

cc: MAYOR W. Reed Gusciora