

CITY OF VINELAND

ORDINANCE NO. 2016-_____

ORDINANCE AMENDING ORDINANCE 2005-16,
POSITION OF MUNICIPAL PROSECUTOR

WHEREAS, The City Council adopted Ordinance 2005-16 creating the position of Municipal Prosecutor pursuant to N.J.S.A. 2B:25-1 et seq; and

WHEREAS, the position has been a full time position during which time Court was in session four (4) days per week and now three (3) days per week; and

WHEREAS, in order to attract a greater number of qualified attorneys willing to serve as Municipal Prosecutor for the Municipal Court of Vineland, it is necessary to create two (2) part time positions so interested attorneys will not need to adversely impact their private practice; and

WHEREAS, having two (2) part time Municipal Prosecutors will be a cost saving tool by allowing each to serve as conflict prosecutors should a conflict exist rather than utilizing outside prosecutors who are paid for their services and will also result in less salary and no health or other benefits being paid; and

WHEREAS, the City Council finds it to be in the best interest of the City of Vineland and the efficient operation of the Court to create two (2) part time Municipal Prosecutors serving the Vineland Municipal Court; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Article 5 Chapter 110 be and is hereby amended as follows:

1. Section 110-17 shall be deleted in it's entirely and replaced as follows:

Section 110-17. Positions established; there shall be established pursuant to N.J.S.A. 2B:25-1 et seq. two (2) part time Municipal Prosecutor positions for the Vineland Municipal Court; one of which shall be designated as Chief Municipal Prosecutor for the Vineland Municipal Court. The duties of the Municipal Prosecutor and Chief Municipal Prosecutor shall be in accordance with N.J.S.A. 2B:25-5 and the Code of the City of Vineland. They shall possess the minimum qualifications as outlined in N.J.S.A. 2B:25-4.

2. Section 110-19 shall be deleted in its entirety and replaced as follows:

Section 110-19. Salary; Mayor to appoint. Term, The salary for the Municipal Prosecutor and Chief Municipal Prosecutor shall be authorized by Ordinance. Appointments to the position shall be made by the Mayor with the advice and consent of City Council. The appointment shall be made from attorneys licensed to practice law in the State of New Jersey and shall be appointed for a term of one year from the date of his or her appointment and shall continue to serve in office until reappointment, replacement or otherwise disqualified to practice law in the State of New Jersey. The Municipal Prosecutor and Chief Municipal Prosecutor shall serve each provide coverage in the Vineland Municipal Court in the absence of the other with no additional compensation. In the event either the Municipal Prosecutor or the Chief Municipal Prosecutor are unavailable to serve during any court proceeding as required by this Section and it shall be the responsibility of the Chief Municipal Prosecutor to assure the coverage of Alternate Municipal Prosecutor and fees, if any, shall be paid from the salary of the Vineland Municipal Prosecutor or Chief Municipal Prosecutor scheduled to serve and shall be at no cost to the City.

3. Section 110-20 shall be deleted in its entirety and replaced as follows:

Section 110-19 Supervision of Positions. The Municipal Prosecutor shall be directly supervised by the Chief Municipal Prosecutor. Both Municipal Prosecutor and Chief Municipal Prosecutor shall be under the supervision of the Attorney General or County Prosecutor who may represent the state, county or municipality in any matter within the jurisdiction of the Municipal Court of the City of Vineland.

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4. Any Section of Article 5 not hereby amended shall remain in full force and effect. Should any portion of this Ordinance be deemed unenforceable in a court of law, the balance shall remain in full force and effect.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk