

CITY OF VINELAND

RESOLUTION NO. 2020-167

RESOLUTION RATIFYING AND CONFIRMING A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY OF VINELAND AND THE LAW FIRM OF BARKER, GELFAND, JAMES AND SARVAS, P.C., LINWOOD, NEW JERSEY AS SPECIAL COUNSEL FOR PERSONNEL MATTERS IN ACCORDANCE WITH CITY POLICY 1152.

WHEREAS, in order to institute the best practices for employment related complaints the City of Vineland has adopted Policies 1151 and 1152 regarding “Whistleblower Act” commonly called CEPA and “Employee Complaints” respectively, which provides employees who observe actions they believe to constitute harassment, sexual harassment or any other workplace wrongdoing to immediately report the matter and that all such complaints will be promptly investigated and if the investigation substantiates the complaint, appropriate corrective disciplinary action will be pursued; and

WHEREAS, several complaints have been made by members of the Vineland Police Department and in order to fairly pursue the investigation the Solicitor determined that it would be in the best interest of fairness to seek an outside, independent attorney to conduct the investigation confidentially which would include personal interviews of persons who have relevant knowledge; and

WHEREAS, in accordance with Chapter 84 of the Code of the City of Vineland, the City Solicitor and Director of Law has the duty and authority to appoint such legal assistants and take such steps and adopt such means as may be reasonably necessary to prosecute and enforce all City Ordinances; and

WHEREAS, the City Solicitor has determined that it is in the best interest of the City to retain the services of outside counsel to perform the investigation of the various and related employee complaints received by some members of the Vineland Police Department, and provide the Administration with a report and recommendations as required by Policies 1151 and 1152; and

WHEREAS, the Law Firm of Barker, Gelfand, James and Sarvas, PC, Linwood, New Jersey, more particularly, Todd Gelfand, Esq. from that Law Firm is well familiar with police complaints and such investigations and has agreed to serve as Special Counsel to investigate the several employee complaints received from members of the Vineland Police Department at a billable hourly rate of \$200.00 and it was initially determined that the cost of such services would not exceed the amount set forth in Ordinance 2014-38 regarding Rules and Regulations Governing the Municipal Self Insurance Fund, but after several new complaints were received, the hours and bills have exceeded said amount and it is in the best interest of the City to ratify and confirm the professional services agreement by the Governing Body.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Vineland that the Professional Services Agreement with the Law Firm of Barker, Gelfand, James and Sarvas is

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hereby ratified and confirmed as Special Counsel for personnel matters in accordance with City Policy 1152 at a rate of \$200.00 per hour.

BE IT FURTHER RESOLVED that this Professional Services Agreement is awarded without competitive bidding in accordance with NJSA 40A:11-5(1)(a) of the Local Public Contracts Laws because said services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction distinguished from general academic instruction or apprenticeship and training, that the Business Disclosure Entity Certification, the Political Contribution Disclosure Form shall be placed on file with the Resolution and that a notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk