



NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their January 01, 2011 meeting. Following a Public Hearing held on January 26, 2010 this Ordinance was finally adopted. . This Ordinance is available for public inspection, and copies will be available at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 02-2011

AN ORDINANCE REGULATING

THE POSITION OF BOROUGH ATTORNEY

WHEREAS, in conjunction with the recodification project undertaken by the Borough officials, review of the Borough's body of legislation has uncovered that certain subjects pertaining to the administration of Borough Government have not previously been adopted; and

WHEREAS, the Governing Body has determined that legislation pertaining to the position of Borough Attorney is desired for inclusion in the new Code;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands as follows:

Section 1. The following provisions pertaining to the position of Borough Attorney shall be included in the new Code of the Borough of Atlantic Highlands as Article X, Borough Attorney, of Chapter 44, Officers and Employees:

ARTICLE X Borough Attorney

§ 44-35. Creation of position.

There is hereby established in the Borough of Atlantic Highlands, in the County of Monmouth and State of New Jersey, the position of Borough Attorney.

§ 44-36. Appointment; term; qualification.

- A. The Borough Attorney shall be appointed by resolution of the governing body, for a term of one-year beginning January 1, or as soon thereafter as may be practicable.
- B. He shall be an attorney at law of New Jersey.

§ 44-37. Powers and duties.

- A. The Borough Attorney shall give legal counsel and advice required by the Mayor and Borough Council, and in general shall serve as the legal advisor to the Borough Council on all matters of Borough business. He may represent the Borough in all judicial and administrative matters of Borough business. He may represent the Borough in all judicial and administrative proceedings in which the Borough or any of its officers or agencies, not separately represented, may be a party or have an interest.
- B. In furtherance of his general powers and duties, but without limiting them, the Attorney shall:
 - (1) Draft or approve, as to form and sufficiency, all legal documents, contracts, deeds, ordinances, and resolutions made, executed or adopted by or on behalf of the Borough.
 - (2) With the approval of the governing body, compromise or settle litigation in which the Borough is involved.
 - (3) Render opinions upon questions of law submitted to him by the governing body or any member thereof, with respect to Borough business.

§ 44-38. Compensation.

The salary of the Borough Attorney shall be fixed by the Annual Salary Ordinance, plus such costs and expense as he may incur in and about the performance of his duties, and as shall be approved by the governing body.

Section 2. Any ordinance or a part thereof which is inconsistent with the provisions of this ordinance shall be, and is, hereby amended.

Section 3. If any section, subsection, part, clause or phrase of this ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this ordinance.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.