

CITY OF VINELAND

ORDINANCE NO. 2018-12

ORDINANCE AMENDING ORDINANCE 97-14, AS AMENDED, CHAPTER 110, ARTICLE V OF THE CODE OF THE CITY OF VINELAND ENTITLED MUNICIPAL PROSECUTOR.

WHEREAS, The City Council adopted Ordinance 2016-1 creating two part time Municipal Prosecutor positions, one of which is the Chief Municipal Prosecutor pursuant to N.J.S.A. 2B:25-1 et seq; and

WHEREAS, both positions have been filled and have served the Vineland Municipal Court fairly and effectively; and

WHEREAS, City Council finds that the present Ordinance should be more flexible so as to provide the ability to appoint one person to fill both positions should the opportunity arise as the backlog is reduced and the time the Court is in session decreases; 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 maintain two (2) part time Municipal Prosecutors serving the Vineland Municipal Court but to provide the ability to fill both positions with one person.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Article 5 Chapter 110, Sections 110-17, 110-19 and 110-20 be and are 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 both positions may be served by the same person, however should the positions be filled by different persons, 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. Provided the effectiveness and efficiencies of the Court and prosecution are not adversely affected and the positions are filled by the same person, no Chief Municipal Prosecutor shall be named.

2. Section 110-19 shall be deleted in it's entirely 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. Should both positions be filled by the same person, the salaries of both positions shall be combined and paid to the single person filling both positions subject to a Professional Services Agreement. Appointments to the position or positions, as the case may be, shall be made by the Mayor with the advice and consent of City Council. The appointment(s) 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, if both are appointed, shall 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, it shall be the responsibility of the Chief Municipal Prosecutor or, should no Chief Municipal Prosecutor be appointed, the Municipal Prosecutor, to assure the court coverage of the 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.

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3. Section 110-20 shall be deleted in it's entirely and replaced as follows:

Section 110-20 Supervision of Positions. Should both positions be filled by two persons and a Chief Municipal Prosecutor is appointed, 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.

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:

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President of Council

Approved by the Mayor:

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Mayor

ATTEST:

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City Clerk