

Mr. O'Neil offered the following Resolution and moved its adoption:

**R-10-05**  
**RESOLUTION**  
**AUTHORIZING APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER**

**WHEREAS**, the Borough of Highlands is in need of a Municipal Public Defender pursuant to Public Law 1997 C.256; and

**WHEREAS**, pursuant to Ordinance 98-02 the Municipal Public Defender shall be paid an annual salary of not less than \$1,500.00, which shall be apportioned pro rata for the portion of the year in which the Public Defender serves; and

**WHEREAS**, the Municipal Public Defender shall only be required to attend Court when his clients are listed on the calendar; and

**WHEREAS**, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be printed in a newspaper of general circulation not more than ten days after passage of the resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Highlands as follows:

1. **Thomas Smith**, Esq. is hereby appointed Public Defender for the (1) one year term to expire December 31, 2010.
2. The appointment is made without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish a public notice of this award as required by law.

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**January 1, 2009**  
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**BE IT FURTHER RESOLVED** that a copy of this resolution be published in an official newspaper of the Borough within ten days of its passage.

Seconded by Mr. Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date: January 1, 2010**

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**NINA LIGHT FLANNERY**  
**Borough Clerk**

I, \_\_\_\_\_, Clerk/Deputy Clerk, do hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on January 1, 2010.