



2004
BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
ORDINANCE (Second Reading)

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CARROLL	✓			
GANZ	✓			
McPHERSON	✓			
MOLA		✓		
Randall		✓		
TEDESCO				✓
VAINIERI HUTTLE, CHAIRWOMAN	✓			
TOTALS	6	1	1	1

Ordinance No.

04-36

Date:

December 15, 2004

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1 of 3

Subject:

Public Advocate

Purpose:

To amend the Ordinance which
established a County Public
Advocate for Land Use Matters

Account No.

Contract No.

Dollar Amount:

ES

Offered by: GANZ

Seconded by: McPHERSON

Approved by: ES

Certified as a true copy of an Ordinance finally adopted by the Board of Chosen Freeholders on above date at a Regular Meeting by:

Valerie Coniglio
Valerie Coniglio, Clerk, Board of Chosen Freeholders, Bergen County, New Jersey

AN ORDINANCE to Amend Ordinance No. 03-48 entitled "An Ordinance Creating the Position of Public Advocate for Bergen County Land Use Matters, and for Other Purposes."

WHEREAS, on December 17, 2003, this Board adopted County Ordinance No. 03-48 entitled "An Ordinance Creating the Position of Public Advocate for Bergen County Land Use Matters, and for Other Purposes."

WHEREAS, since the adoption and enactment of Ordinance No. 03-48 certain amendments have become necessary and desirable.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Chosen Freeholders of the County of Bergen upon the recommendation of the County Executive as follows:

1. Section 1, Paragraph 3, Subsection (A) is hereby deleted in its entirety and replaced as follows:

" 3. Powers and duties. (A) The Public Advocate may appear before any County board, County agency or County Committee in Bergen County having jurisdiction over land use and zoning matters, and before such Federal, State, County and/or Courts as the circumstances warrant in order to represent and advocate a public interest relative to land use, but not individual interests, in proceedings of substantial importance in which he or she shall determine in his or her sole discretion, subject to this Ordinance, to warrant such representation and advocacy."

2. Section 1, Paragraph 3, Subsection (C) is hereby deleted in its entirety and replaced as follows:

"(C) The Public Advocate shall review and prepare documents and represent the public interest on compelling public issues to the extent that this ordinance determines it to be beyond the scope of the expertise of the professionals normally utilized by the County, or as may otherwise be provided for by law."

3. Section 1, Paragraph 6 is hereby deleted in its entirety and replaced as follows:

"6. Intent. It is the intent of the Board of Chosen Freeholders that the resources of the Public Advocate be devoted to the maximum extent possible to ensuring adequate representation of the interests of those residents whose interests would otherwise be inadequately represented in matters within the jurisdiction of the pertinent County Board or County committee. It shall not be the function of the Public Advocate to review the actions of agencies after the fact with a mind toward recommending changes that would benefit the population as a whole, unless it is with the intention of bringing a proceeding consistent with this Ordinance."

4. Section 1, Paragraph 7, Subsection (C) is hereby deleted in its entirety and replaced as follows:

"(C) It is intended that the creation of the position of the Public Advocate shall be to insure that a full, fair and balanced record be made in such matters of substantial public importance, with all of the competent evidence bearing upon the issues being presented to the applicable County board, tested as to its relevancy, competency, materiality, and credibility, so that such Boards and such other Federal, State and County agencies, the Board of Chosen Freeholders (as applicable) and the Courts (whether Trial or Appellate) will have the benefit of a fully developed record of the proceedings containing all of the testimony, and evidence, of a fair, unbiased and impartial decision in accordance with all of the applicable laws and rules, and to insure that the public interest, and not individual interests, will be adequately represented, and better served. Where the Public Advocate is engaged after an event has taken place, it shall be for the purpose of making recommendations as to the actions or conduct complained of."

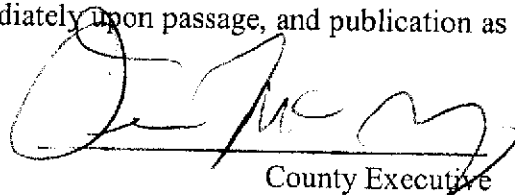
5. Section 1, Paragraph 10, Subsection (A) is hereby deleted in its entirety and replaced as follows:

"10. Appearances Not Restricted. (A) Nothing herein shall preclude the Public Advocate from appearing as a private counsel before any County board, committee or agency other than the rules of such agency and the rules of professional responsibility."

6. Section 1, Paragraph 10, Subsection (C) is hereby deleted in its entirety and replaced as follows:

"(C) Notwithstanding the foregoing, during his or her tenure in office, the Public Advocate may not appear before the County Planning Board except as the Public Advocate, but may appear before the Board of Chosen Freeholders."

7. All other provisions of Ordinance No, 03-48 not inconsistent with this amended Ordinance shall remain in full force and effect.
8. Severability. If any part of this ordinance shall be invalid, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining portions of this ordinance.
9. Repealer. All ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.
10. The Clerk of the Board of Chosen Freeholders is directed to publish and distribute the within Amended Ordinance in accordance with the provisions of N.J.S.A. 40:41A-101.
11. This Ordinance shall take effect immediately upon passage, and publication as required by law.



County Executive

☒ Approved

☐ Rejected