RESOLUTION 2011-303

The Township of Ocean, County of Ocean, State of New Jersey Opposing and Calling for an Amendment of the Rule of Court, R. 1:34-3, Regarding the Hiring Process of Municipal Court Administrators and Deputy Court Administrators

WHEREAS, on September 13, 2011, the New Jersey State Supreme Court adopted amendments to the Rules of Court, , specifically R. 1:34-3, which deals with the hiring process for municipal court administrators and deputy court administrators; and,

WHEREAS, this rule would alter the process by allowing the Assignment Judge of the vicinage the discretion to review resumes of the candidates for municipal court administrator and deputy court administrators; and,

WHEREAS, under this rule a panel consisting of the municipal court judge, the municipal division manager for the vicinage, a municipal court administrator and deputy court Administrators from another town in the vicinage, and two representatives from the municipality who are not members of the police department interview the candidates; and .

WHEREAS, under this rule the Assignment Judge has the discretion to interview the final candidate for the position of municipal court administrator and deputy court administrators, and has the authority to approve or reject the selected candidate; and

WHEREAS, appointments of municipal court administrators and deputy court administrator have always been within the sole discretion of the municipal governing body, which is an expressed authority of a municipality by N.J.S.A. 2B:12-4 and N.J.S.A. 2B:12-10;

WHEREAS, the amended Rules of Court, specifically R. 1:34-3, departs significantly from legislative intent, usurps the role of the governing body and taxpayers, and violates the concept of separation of powers.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Ocean, in the County of Ocean, State of New Jersey calls for the Court to reconsider and amend R. 1:34-3 to be consistent with legislative intent; and,

BE IT FURTHER RESOLVED, that the New Jersey State Legislature should act immediately to either clarify that the appointments of municipal court administrator and deputy court administrators are within the sole discretion of the municipality, or direct the Judiciary to fund the Municipal Courts through their budget; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Acting Administrative Director of the Courts, members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey. The New Jersey League of Municipalities and the following: The Hon. Eldridge Hawkins, Mayor, City of Orange, The Hon. Daniel J. Reiman, Mayor, Borough of Carteret, The Hon. Wayne Smith,

Mayor, Township of Irvington, all Ocean County Mayors and Ocean County Mayor's Association; and

CERTIFICATION

I, Diane B. Ambrosio, RMC, Clerk of the Township of Ocean, County of Ocean, do hereby certify the foregoing Resolution to be a true copy of a Resolution adopted by the Township Committee of the Township of Ocean on the 10th day of a November 2011.

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Diane B. Ambrosio, RMC
Township Clerk