

RESOLUTION RETAINING THE LAW FIRM OF KENYATTA STEWART, P.C. TO PROVIDE OUTSIDE LEGAL SERVICES IN THE MATTER OF ELIE-GEORGES V. COUNTY OF PASSAIC, ET AL., DOCKET NO. 22-CV-04506-EP-ESK, PURSUANT TO N.J.S.A. 40A:11-5, ET SEQ. AND RFQ-24-059

WHEREAS, the County of Passaic (“County”) is a body politic and corporate pursuant to N.J.S.A. 40:18-1 and vested with all rights contained therein; and

WHEREAS, pursuant to N.J.S.A. 40:20-1, the Board of County Commissioners of the County of Passaic (“Board”) is vested with managing the property, finances, and affairs of the County; and

WHEREAS, the County of Passaic; Lucinda Corrado, Executive Director of Preakness Healthcare Center; and Leslie Park, Deputy County Counsel, are named defendants in Elie-Georges v. County of Passaic, et al., Docket No. 22-cv-04506-EP-ESK, a matter pending in United States District Court for the District of New Jersey, requiring retention of outside legal counsel; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, et seq., on December 4, 2023, the Passaic County Purchasing Agent issued RFQ-24-059, Expand Pool Outside Legal Counsel (“RFQ-24-059”), seeking to expand the pool of qualified law firms to provide outside legal services to the County in calendar year 2024; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.4, the County’s request for qualifications is a fair and open process, specifically, the request for qualifications for a pool of outside legal counsel for calendar year 2024 is publicly advertised, awarded under a process that provides for public solicitation of qualifications, established the basis of an award and disclosure process documented in writing prior to any solicitation, and is publicly opened and announced when awarded; and

WHEREAS, on December 28, 2023, the Board passed Resolution No. R-23-1207, qualifying a pool of outside legal counsel for calendar year 2024 to be hired on an as-needed basis and as recommended by the Passaic County Counsel, which included The Law Firm of Kenyatta Stewart, P.C.; and

WHEREAS, on August 9, 2022, the Board passed Resolution No. R-22-0717, retaining Mariniello & Mariniello, P.C. to represent the County defendants in the Elie-Georges matter, in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00); and

WHEREAS, Mariniello & Mariniello, P.C. is no longer able to represent the County defendants in the Elie-Georges matter; and

WHEREAS, the Passaic County Counsel is recommending to retain The Law Firm of Kenyatta Stewart, P.C. to represent the County defendants in the Elie-Georges matter, in an amount not to exceed two hundred thousand dollars (\$200,000.00); and

WHEREAS, funds are available in Account No. T-19-56-850-000-801, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been contingently certified by the Chief Financial Officer subject to sufficient funds being appropriated by the Board in the 2024 and/or subsequent County budget(s), which is attached hereto and made part of this Resolution; and

WHEREAS, this matter was discussed at the January 10, 2024 Administration and Finance Committee meeting, and is being recommended to the Board for approval; and

NOW, THEREFORE, LET IT BE RESOLVED, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), the Board of County Commissioners of the County of Passaic retains The Law Firm of Kenyatta Stewart, P.C. to represent the County of Passaic, Lucinda Corrado, and Leslie Park in the matter of Elie-Georges v. County of Passaic, et al., Docket No. 22-cv-04506-EP-ESK, in an amount not to exceed two hundred thousand dollars (\$200,000.00), in accordance with the terms and conditions set forth in RFQ-24-059.

LET IT BE FURTHER RESOLVED, that the Clerk to the Board shall print, in the official newspaper, a brief notice stating the nature, duration, service, and amount of the contract awarded to The Law Firm of Kenyatta Stewart, P.C., and maintain a copy of this Resolution on file and available for public inspection in the Office of the Clerk to the Board.

LET IT BE FURTHER RESOLVED, that the Clerk to the Board, County Counsel, and Director of the Board are authorized to take any action necessary to carry out the purpose of this Resolution.

SF

January 23, 2024