

# County of Passaic

## Board of County Commissioners



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Nadege D. Allwaters, Esq.  
County Counsel  
Louis E. Imhof, RMC  
Clerk Of The Board

Date: Mar 26, 2024 - 5:30 PM

Agenda: RESOLUTION RETAINING WATERS, MCPHERSON, MCNEILL, P.C. TO PROVIDE OUTSIDE LEGAL SERVICES IN THE MATTER OF MOGROVEJO-CAMPUZA V. COUNTY OF PASSAIC, ET AL., DOCKET NO. PAS-L-199-24, PURSUANT TO N.J.S.A. 40A:11-5, ET SEQ. AND RFQ-24-038

THIS RESOLUTION WAS REQUESTED BY:  
COUNTY COUNSEL

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	3/26/2024
Introduced Date	3/18/2024
Adopted Date	
Agenda Item	4.
CAF#	T-19-56-850-000-801
Purchase Req. #	
Result	

Administration and Finance

COMMITTEE NAME

**RESOLUTION RETAINING WATERS, MCPHERSON, MCNEILL, P.C. TO PROVIDE OUTSIDE LEGAL SERVICES IN THE MATTER OF MOGROVEJO-CAMPUZA V. COUNTY OF PASSAIC, ET AL., DOCKET NO. PAS-L-199-24, PURSUANT TO N.J.S.A. 40A:11-5, ET SEQ. AND RFQ-24-038**

**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 and the Passaic County Community College are named defendants in Mogrovejo-Campuza v. County of Passaic, et al., Docket No. PAS-L-199-24, a matter pending in Superior Court, requiring retention of outside legal counsel; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5, et seq., on September 22, 2023, the Passaic County Purchasing Agent issued RFQ-24-038, Outside Legal Counsel (“RFQ-24-038”), seeking 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 12, 2023, the Board passed Resolution No. R-23-1123, 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 Waters, McPherson, McNeill, P.C.; and

**WHEREAS**, the Passaic County Counsel is recommending to retain Waters, McPherson, McNeill, P.C. to represent the County defendants in the Mogrovejo-Campuza matter, in an amount not to exceed fifty thousand dollars (\$50,000.00); and

**WHEREAS**, pursuant to N.J.S.A. 52:32-60-1, et seq., Waters, McPherson, McNeill, P.C. executed the Non-Involvement in Prohibited Activities in Russia or Belarus Certification, attached hereto and made part of this Resolution, certifying the law firm is not involved in prohibited activities in Russia and Belarus, and the County confirmed Waters, McPherson, McNeill, P.C. is not identified on the Specially Designated Nationals and Blocked Persons list created by the Office of Foreign Assets Control; 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 March 13, 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 Waters, McPherson, McNeill to represent the County of Passaic and the Passaic County Community College in Mogrovejo-Campuza v. County of Passaic, et al., Docket No. PAS-L-199-24, in an amount not to exceed fifty thousand dollars (\$50,000.00), in accordance with the terms and conditions set forth in RFQ-24-038.

**LET IT BE FURTHER RESOLVED**, that the Clerk of the Board shall print, in the official newspaper, a brief notice stating the nature, duration, service, and amount of the contract awarded to Waters, McPherson, McNeill, 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 of 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

March 26, 2024