

County of Passaic

Board of County Commissioners



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 Louis E. Imhof
 Clerk Of The Board

Date: Jan 21, 2025 - 5:30 PM

Agenda: RESOLUTION RETAINING WATERS MCPHERSON MCNEILL, P.C. TO PROVIDE OUTSIDE LEGAL SERVICES IN THE MATTER OF BACKER V. COUNTY OF PASSAIC, ET AL., DOCKET NO. PAS-L-83-25, PURSUANT TO N.J.S.A. 40A:11-5 AND RFQ-25-042

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	1/21/2025
Introduced Date	1/17/2025
Adopted Date	
Agenda Item	18.
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 BACKER V. COUNTY OF PASSAIC, ET AL., DOCKET NO. PAS-L-83-25, PURSUANT TO N.J.S.A. 40A:11-5 AND RFQ-25-042

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 is a named defendant in Minassian v. County of Passaic, et al., Docket No. PAS-L-3026-24, 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 October 15, 2024, the Passaic County Purchasing Agent issued RFQ-25-042, Outside Legal Counsel (“RFQ-25-042”), seeking qualified law firms to provide outside legal services to the County in calendar year 2025; 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 2025 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 10, 2024, the Board passed Resolution No. R-24-1092, qualifying a pool of outside legal counsel for calendar year 2025 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 in the Backer matter, in an amount not to exceed seventy-five thousand dollars (\$75,000.00); 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 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 2025 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 15, 2025 Administration and Finance Committee meeting, and is being recommended to the Board for approval.

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, P.C. to represent the County of Passaic in Backer v. County of Passaic, et al., Docket No. PAS-L-83-25, in an amount not to exceed seventy-five thousand dollars (\$75,000.00), in accordance with the terms and conditions set forth in RFQ-25-042.

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.

KJB

January 21, 2025