

BOROUGH OF FRANKLIN

ORDINANCE #97-

AN ORDINANCE TO AMEND CHAPTER II, ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FRANKLIN, TO PROVIDE FOR THE POSITION OF MUNICIPAL PUBLIC DEFENDER.

WHEREAS, P.L. 1997, Chapter 256 requires that all municipalities create the position of public defender and the Franklin Borough Council, in compliance with the State requirement, creates the position of public defender;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex and State of New Jersey, that Chapter II, Administration, Section 2-10.6, Municipal Public Defender, is created as set forth below:

Section 1. §2-10.6 is enacted as follows:

Section 2-10.6 Municipal Public Defender. A Municipal Public Defender shall be appointed by the Mayor and Borough Council and shall receive a salary, in lieu of any and all other compensation by the municipality as determined by the Mayor and Council, to be paid in the same manner as the salary of other municipal officers and employees. The public defender shall serve for a term of 1 year and may be reappointed at the pleasure of the Mayor and Council. The Municipal Public Defendant position is not a tenured position.

In the event there is a vacancy in the office of Municipal Public Defender, or if the Municipal Public Defender is temporarily unavailable or a conflict of interest precludes the municipal public defender from representing an indigent defendant, the Judge may appoint a qualified attorney to represent an indigent defendant. The attorney shall be entitled to compensation at the rate set forth in section §2-22 of the Mayor and Borough Council.

Section 2. Lien for Services. Township shall have a lien for any and all services provided by the municipal public defender to an indigent defendant in an amount equal to the current rate assessed by the state office of the Public Defender. The Municipal Attorney shall have full authority as provided by the State statutes to file and enforce the lien with the approval of the Mayor and Borough Council.

Section 3. §2-22 is amended to include the following:

Compensation for Acting Public Defender in the event of the absence of the regular public defender, including but not limited to conflicts of interest. \$50 case

Public Defender Nonrefundable Application Fee \$200

Section 4. All Ordinances or parts of Ordinances or Resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect after publication and passage according to law.

James King, Mayor

ATTEST:

Rachel Heath, Clerk/Administrator

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on ~ 1997, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on 1997 at 7:00 p.m. in the Municipal Building, 19 Hospital Road, Franklin, New Jersey.

Rachel Heath, Clerk/Administrator

AJB ma1
#661-1
11/20/97

BOROUGH OF FRANKLIN
OFFICE OF THE PUBLIC DEFENDER
REIMBURSEMENT AGREEMENT

Client's Name Date of Birth

Address City State Zip

Telephone Social Security Numbers

If, a Juvenile, List Parent or Legal Guardian

Address City State Zip

I (We) understand and agree to reimburse the Borough of Franklin for the reasonable value of the services rendered by the Municipal Public Defender at the rate charged by the New Jersey Office of the Public Defender. I (We) acknowledge that the rate is currently thirty (\$30) dollars per hour. In addition, I (We are) am responsible for all costs, including expert fees, if any.

A bill will be sent to me (us) at the conclusion of the case and I (we) shall promptly pay it. I (We) further understand in the event the bill is not paid a lien claim on the reverse side of this form will be placed on all property I (we) own or shall own in the future until full payment is made. Credit will be given prior to filing the lien for any monies paid toward the final lien.

Witness Signature Client's Signature Date

Witness Signature Parent/Guardian's Signature Date

LIEN CLAIM

(MUNICIPAL LIEN FOR PUBLIC DEFENDERS SERVICES)

Filed Pursuant to N.J.S.A. 2B:24-13

TO: THE CLERK OF THE SUPERIOR COURT

The Borough of Franklin hereby makes and records its Claim of Lien against any and all property of the person(s) listed below as the result of the Municipal Public Defender services provided by the Borough of Franklin.

DEBTORS NAME: _____

DEBTORS ADDRESS: _____

DEBTORS SOCIAL SECURITY NO. _____

AMOUNT DUE:

Hours worked _____ x \$30 =

Costs and expenses incurred: \pm

Credit for Amount Paid: .

TOTAL \$ _____

I do solemnly declare and certify under the penalties of the law that the services have been rendered and expenses incurred as set forth above, the amount stated is justly due and owing and the amount charged is a reasonable one.

BOROUGH OF FRANKLIN

Dated: _____

By: _____
Public Defender

Filed by: _____
Municipal Attorney

cc: Borough Clerk

Debtor