



UNION COUNTY UTILITIES AUTHORITY

1499 Routes 1 & 9, North, Rahway, New Jersey 07065

(732) 382-9400

FAX (732) 382-5862

RESOLUTION NO.: 48-2014

DATED: May 21, 2014

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY INDEMNIFYING COUNSEL FEES IN CONNECTION WITH THE FACT- FINDING INQUIRY CONCERNING STIPEND PAYMENTS MADE TO AUTHORITY EMPLOYEES IN 2013 AND 2014.

APPROVED AS TO FORM:

Joseph C. Bodek
Clerk of the Authority

By: Joseph C. Bodek

APPROVED AS TO SUFFICIENCY OF FUNDS

YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: [Signature]

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Badri</i>	X		X				X
<i>Eastman</i>	X		X				
<i>Jackus</i>		X					
<i>Kahn</i>	X		X				
<i>Kennedy, Secretary</i>	X		X				
<i>Kulish</i>	X		X			X	
<i>People, Treasurer</i>	X		X				
<i>Erdos Vice Chairman</i>	X				X		
<i>Huff, Chairman</i>	X		X				
<i>Bonanno, Alternate No. 1</i>		X					
<i>Lombardo, Alternate No.2</i>		X					

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
INDEMNIFYING COUNSEL FEES IN CONNECTION WITH THE FACT-
FINDING INQUIRY CONCERNING STIPEND PAYMENTS MADE TO
AUTHORITY EMPLOYEES IN 2013 AND 2014.**

WHEREAS, the Union County Utilities Authority (the “Authority”) has been created by a resolution of the Board of Chosen Freeholders of the County of Union, New Jersey as a public body corporate and politic of the State of New Jersey, pursuant to and in accordance with County Utilities Authorities Law, N.J.S.A. 40:14B-1 *et seq.* and the acts amendatory thereof and supplemental thereto; and

WHEREAS, the Authority, by way of Resolutions dated February 26, 2014 and April 9, 2014, resolved to retain an independent fact-finder to conduct an appropriate inquiry into the facts surrounding the issuance of certain stipend payments to Authority employees; and

WHEREAS, as part of that fact-finding inquiry, it was determined that it was necessary to interview the Authority’s Office Manager/Deputy Clerk, Lisa da Silva, and Ms. da Silva was informed that she would be interviewed; and

WHEREAS, Ms. da Silva retained Jason F. Orlando, Esq., of the firm Murphy Orlando, to represent and defend her interests in connection with the fact-finding inquiry; and

WHEREAS, Article VIII of the Authority’s Bylaws provides that Authority employees acting within the scope of their employment are entitled to be defended by the Authority in proceedings concerning actions taken by them within the scope of their employment; and

WHEREAS, based upon information provided to the Authority, and without passing upon the propriety of any such actions, Ms. da Silva’s actions in connection with this matter appear to have been taken within the scope of her employment, thus entitling her to have the Authority assume the cost of her defense in this matter; and

WHEREAS, the New Jersey Rules of Professional Conduct preclude Authority counsel from providing for Ms. da Silva’s defense in this matter as such representation would create an impermissible conflict of interest which may only be resolved by the appointment of independent counsel.

NOW, THEREFORE, BE IT RESOLVED by the Union County Utilities Authority as follows:

1. The Authority shall provide for the defense of Office Manager/Deputy Clerk, Lisa da Silva, including the payment of reasonable counsel fees and expenses, regarding the pending fact-finding inquiry and requests that Ms. da Silva’s above-referenced counsel submit all billing statements to the Authority’s General Counsel for review and approval.
2. This Resolution shall take effect immediately.