

Assembly Memorandum

To: Mark Jensen, Borough Mayor
Borough Assembly Members

From: Steve Giesbrecht
Borough Manager, and
Sara E. Heideman
Borough Attorney

Date: November 2, 2022

Subject: Legal representation

A lawsuit has been brought against the Borough and Debbie Thompson, in her official capacity as borough clerk, in connection with a public records act request (Case No. 1PE-22-00046CI). The appointment of the law firm of Jermain, Dunnagan & Owens, P.C. ("JDO") to serve as special legal counsel for the Borough and its clerk in this matter is on the Assembly's agenda for its November 7, 2022 regular meeting.

Recommendations:

We recommend that the Assembly make this appointment, as permitted under section 2.14A of the Borough Charter, and authorize the borough manager and borough clerk to formalize this appointment by execution of engagement documents that have been approved as to form by the borough attorney. Pursuant to section 11.13C(4) of the Borough Charter and at the discretion of the borough manager under PMC 4.04.080, the hiring of JDO to provide professional legal services would be without solicitation of competitive bids or proposals, based upon that firm's experience and specialized knowledge.