

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2008, Legislative Day No. 11

Resolution No. 24-08

Introduced by Mr. Benoit

By the County Council, May 5, 2008

1 A RESOLUTION ENTITLED  
2 Charter Amendment - Legislative Counsel  
3

4 RESOLUTION proposing an amendment to the Charter of Anne Arundel County to  
5 provide for the position and duties of the Legislative Counsel to the County Council.  
6

7 *Be it resolved by the County Council of Anne Arundel County, Maryland, That the*  
8 *following amendment to the Anne Arundel County Charter is proposed for submission to*  
9 *the qualified voters of the County at the General Election in November 2008:*

10  
11 Article III. The Legislative Branch  
12

13 Sec. 302. Officers.  
14

15 (C) THE COUNTY COUNCIL, BY RESOLUTION, SHALL APPOINT A LEGISLATIVE  
16 COUNSEL WHO SHALL BE A MEMBER IN GOOD STANDING OF THE BAR OF THE COURT OF  
17 APPEALS AND HAVE BEEN ACTIVELY ENGAGED IN THE PRACTICE OF LAW IN THE  
18 COUNTY FOR AT LEAST FIVE YEARS PRIOR TO APPOINTMENT. THE LEGISLATIVE  
19 COUNSEL SHALL SERVE FOR AN INDEFINITE TERM AT THE PLEASURE OF THE COUNCIL  
20 AND SHALL RECEIVE SUCH COMPENSATION AS THE COUNCIL MAY DETERMINE. AS  
21 REQUESTED BY MEMBERS OF THE COUNCIL, THE LEGISLATIVE COUNSEL SHALL DRAFT  
22 LEGISLATION, ISSUE LEGAL OPINIONS, AND PROVIDE ADVICE TO THE MEMBERS OF THE  
23 COUNTY COUNCIL.  
24

25 Article V. The Executive Branch  
26

27 Sec. 526. Powers and duties of the County Attorney.  
28

29 (a) EXCEPT AS PROVIDED IN THIS SECTION AND IN SECTION 302 WITH REGARD TO  
30 THE COUNTY COUNCIL, THE [The] County Attorney shall be the legal advisor of the  
31 County and of its several offices, departments, boards, commissions and other agencies.  
32 Except as provided in Sections 302, 314, and 528 of this Charter, no office, department,  
33 board, commission, agency or branch of the County government which receives County  
34 funds shall have any authority or power to employ or retain any legal counsel other than  
35 the County Attorney. The County Attorney shall also be [the] A legal advisor and, if  
36 requested, legislative draftsman for the County Council. The County Attorney shall

1 supervise the election of the nominees of the classified employees as provided in  
2 Section 520 of this Charter. The County Attorney shall issue upon request, give advice  
3 and opinions upon any legal questions affecting the interests of the County when the  
4 same are submitted: (1) by written request of a County Councilman, (2) by written  
5 request of the County Executive, or (3) with the approval of the County Executive, by  
6 written request of the head of any office or department in the executive branch or any  
7 board, commission or agency. All deeds, bonds, contracts, releases, agreements,  
8 advertisements, bids and other legal papers, documents and instructions involving the  
9 interests of the County to be executed and approved by any officer of the County shall be  
10 submitted to the County Attorney and shall be approved by the County Attorney in  
11 writing as to their form and legal sufficiency in compliance with the laws and conditions  
12 under which executed. The County Attorney shall have the right of access at all times to  
13 the official records of any office, department, board, commission or agency of the  
14 County. Before the County Executive signs any ordinance passed by the County Council,  
15 the County Attorney shall review the ordinance and advise the County Executive as to its  
16 legality. The County Attorney shall have such additional legal duties as may from time to  
17 time be provided by ordinance not inconsistent herewith.

18  
19 *And be it further resolved*, That the following question is adopted for submittal to the  
20 qualified voters of the County at the General Election in November 2008 for their  
21 adoption or rejection:

22  
23 “To amend the Anne Arundel County Charter to provide for the position and duties of  
24 the Legislative Counsel to the County Council.”

25  
26 *And be it further resolved*, That this question shall be designated as Question " \_\_\_"  
27 on the ballot at the General Election in November 2008.

28  
29 *And be it further resolved*, That if the majority of qualified votes cast in the election  
30 are for the Charter Amendment, this amendment shall stand adopted from and after the  
31 30th day following the election.