

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2016, Legislative Day No. 32

Resolution No. 51-16

Introduced by Mr. Smith

By the County Council, July 5, 2016

1 A RESOLUTION ENTITLED  
2 Charter Amendment – Attorney to the County Council  
3

4 RESOLUTION proposing an amendment to the Charter of Anne Arundel County to  
5 provide for the position and duties of the Attorney 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 2016:*  
10

11 **Article III. The Legislative Branch**  
12

13 **Sec. 315. Attorney to the County Council**  
14

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

25 **Article V. The Executive Branch**  
26

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

29 (a) The County Attorney shall be the legal advisor of the County and of its several  
30 offices, departments, boards, commissions and other agencies. Except as provided in  
31 Sections 302, 314, 315 and 528 of this Charter, no office, department, board, commission,  
32 agency or branch of the County government which receives County funds shall have any  
33 authority or power to employ or retain any legal counsel other than the County Attorney.

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

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

20  
21 *And be it further resolved*, That the following question is adopted for submittal to the  
22 qualified voters of the County at the General Election in November 2016 for their  
23 adoption or rejection:

24  
25 “To amend the Anne Arundel County Charter to provide for the position and duties of  
26 the Attorney to the County Council.”

27  
28 *And be it further resolved*, That this question shall be designated as Question " \_\_\_\_ "  
29 on the ballot at the General Election in November 2016.

30  
31 *And be it further resolved*, That if the majority of qualified votes cast in the election  
32 are for the Charter Amendment, this amendment shall stand adopted from and after the  
33 30th day following the election.