

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 2017-17**

**RESOLUTION NO. 42 - 2017**

**Title of Resolution:** Amendment- Policies and Procedures of Cecil County Council- Legal Opinions

**Synopsis:** A Resolution to amend the Council's Policies and Procedures to provide a procedure for legal opinions.

**Introduced by:** Council President Bowsbey

**Introduced and ordered posted on:** September 5, 2017

**Consideration scheduled on:** September 19, 2017

**PUBLIC HEARING**

Notice of time and place of public hearing and title of Resolution having been posted by \_\_\_\_\_ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on \_\_\_\_\_, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

**By:** \_\_\_\_\_

Council Manager

**EXPLANATION:**

**CAPITALS INDICATE LANGUAGE ADDED TO EXISTING RESOLUTION**

~~Strike through~~ indicates language deleted from existing Resolution

Underlining indicates language added to Resolution by Amendment

~~Double Strike Through~~ indicates language stricken out of Resolution by Amendment.

1           **WHEREAS**, The Charter of Cecil County, Maryland, provides that the County Council of Cecil  
2 County, Maryland, is the Legislative Branch of government; and

3           **WHEREAS**, the legislative powers and procedures are outlined in the Charter of Cecil  
4 County; and

5           **WHEREAS**, the Charter allows the County Council to adopt additional rules of legislative  
6 procedure that may be desirable and not in conflict with the Charter; and

7           **WHEREAS**, the County Council has determined that additional policies and procedures are  
8 necessary to support the legislative process in order to operate in a consistent and efficient  
9 manner; and

10           **WHEREAS**, the policies and procedures of the Cecil County Council may be amended by the  
11 County Council according to the legislative procedures in Sections 303-304 of the Charter of Cecil  
12 County, Maryland.

13           **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**  
14 **MARYLAND**, that the proposed changes to the Policy and Procedures of the Cecil County Council  
15 is hereby approved as follows:

16 Chapter 1. General Provisions  
17 1-5 Request for Legal Opinion

18           **a) PURSUANT TO SECTION 213 OF THE CHARTER OF CECIL COUNTY, MARYLAND, THE**  
19 **COUNTY COUNCIL MAY EMPLOY LEGAL ADVISORS AS IT DEEMS NECESSARY TO PERFORM**  
20 **ITS FUNCTIONS BY RESOLUTION, AT ITS DISCRETION AND SUBJECT TO THE PROVISIONS OF**  
21 **ITS BUDGET OR SUPPLEMENTAL APPROPRIATIONS. THE COUNTY COUNCIL MAY USE**  
22 **LEGAL COUNSEL AS CONTRACTED BY THE COUNCIL, OR THE COUNTY ATTORNEY, IF**  
23 **COUNCIL HAS NOT CONTRACTED AN ATTORNEY.** Pursuant to Section 411 of the Cecil  
24 County Charter, the County Attorney is "a legal advisor to the Council." As such, the County  
25 Council may consult the County Attorney for legal advice as necessary or desirable.

26           **b) ANY COUNCIL MEMBER(S) SEEKING A LEGAL OPINION MUST SUBMIT THEIR REQUEST IN**  
27 **WRITING TO THE COUNCIL PRESIDENT.**

28           **c) REQUESTS TO SEEK LEGAL OPINION MUST BE APPROVED BY THE COUNCIL PRESIDENT OR**  
29 **APPROVED BY THREE (3) MEMBERS OF THE COUNCIL BEFORE SUBMISSION TO THE COUNCIL**  
30 **ATTORNEY.**

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**d) THE COUNCIL MANAGER WILL SUBMIT THE REQUEST TO THE COUNCIL ATTORNEY AND CONVEY THE RESPONSE TO COUNCIL MEMBERS.**

~~b) A request for legal opinion from the Council will be promptly submitted by the Council Manager to the County Attorney, in writing. The request must include the following information: A brief statement describing the matter upon which legal advice is requested, priority of response (e.g., high priority, medium priority, or low priority), and the date by which the Council requires submission of the legal opinion. The request must, in addition, state whether the County Attorney's opinion will be protected by the attorney client privilege.<sup>‡</sup>~~

~~<sup>‡</sup>It should be noted that, if the attorney client privilege is invoked, the County Attorney will none the less provide a copy of the legal opinion to each sitting councilperson.~~

~~e) The County Attorney will submit a legal opinion in response to such a request in a timely manner, and will use best efforts to submit the legal opinion in accordance with the priority of response requested.~~

**BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that all provisions of this Resolution shall take effect on the date the Resolution is adopted by the Council.

**INTRODUCED: September 5, 2017**

**ADOPTED: \_\_\_\_\_**

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
Council Manager