

Janice O'Connell

*ADD 3-15-17
Reference
agenda #16*

From: Robert Troy <rst@troywallassociates.com>
Sent: Monday, March 06, 2017 2:40 PM
To: Janice O'Connell
Cc: Leo Cakounes; mpatflynn@gmail.com; Ron Beaty; Suzanne McAuliffe; Mary Pat Flynn
Subject: Proposed Ordinance 17-04

Janice,

This will respond to your request for my Opinion as County Counsel as to whether Proposed Ordinance 17-04 may be lawfully voted by the Assembly of Delegates as an Ordinance. Analysis of the content of the Proposed Ordinance suggests that it might better be offered as a Resolution. However, the sponsors of the Ordinance have elected to submit it as an Ordinance and, therefore, the question is whether the Assembly may consider it as such. Analysis of the provisions of the Charter does not suggest that the subject matter or the proposed action that is being sought through the Ordinance is outside of the Ordinance process outlined in the Charter. While there are legal and policy issues, as well as factual questions, these are properly vetted and resolved by the Assembly through its deliberative process. I therefore conclude that the Assembly of Delegates may lawfully consider, amend, and vote on Proposed Ordinance 17-04.

Please let me know if there are any other questions related to this inquiry.

Bob