

*A of D 3/7/18
agenda item #15.b.*

Janice O'Connell

From: Robert Troy <rst@troywallassociates.com>
Sent: Wednesday, February 28, 2018 1:00 PM
To: Janice O'Connell
Cc: Jack Yunits Jr; Justyna Marczak; Leo Cakounes; 'mpatflynn@gmail.com'; Ron Beaty; Suzanne McAuliffe; Owen Fletcher; Stephen Tebo
Subject: Request for Opinion

Janice,

This will respond to the request by the Assembly of Delegates for my Opinion as County Counsel as to whether elected officials can be required to acknowledge, by their signature, policies adopted by the County. The "Acknowledgement of Receipt" accompanying the policies requires that the person executing the document acknowledge its receipt and certify that she or he has read its contents.

This inquiry does not question the authority of the County to promulgate the policies in question and my Opinion does not address this issue. Instead, the Assembly asks whether its Members, as elected officials, are legally required to execute the documents.

I am informed by the Human Resource Director of the County that all the Assembly Members have executed and returned the Sexual Harassment Policies. The inquiry relating to these policies is therefore moot. However, the question remains viable as to the Vehicle Use Policy and Social Media Policy. I have researched the requirements of federal and state law with respect to this question and conferred with the Human Resources Director.

Based on my research, I am unable to find any requirement that an elected official of Barnstable County is legally bound to execute affirmation that he or she has received the Policies promulgated by the County and has read its contents. It is therefore my Opinion as County Counsel that the County may not legally require persons who are elected to positions in County government to sign and acknowledge receipt of Policies promulgated by the County Commissioners. Nonetheless, it should be observed that such a requirement could be imposed under the Barnstable County Charter through the Ordinance Process.

Bob