

Laura Hurley

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Subject: [EXTERNAL] Online Form Submittal: Charter Review Committee Submission Form

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Charter Review Committee Submission Form

First Name	Robert
Last Name	Taylor
Email	rbt.adkinspotts@gmail.com
Comments, Questions or Concerns	<p>SUGGESTIONS REGARDING COUNTY LEGAL SERVICES</p> <p>Because I am unable, due to a personal matter, to attend tonight's meeting, the following is submitted as a comment regarding the County Attorney portion of the administrative organization Article V. Please note that the following is not intended to address whether the County should have an in-house legal department, as it once did, or to be affected in that regard.</p> <p>I believe that, previously, the Committee deferred consideration whether the Charter should provide for a separate "Council Attorney," such as provided in section 224 of the Harford County Charter – see below. I believe that Baltimore County also has a separate "legal department" for its Council, and that others may have a working arrangement with the County's law department for separate legal counsel for the County Council.</p> <p>I suggest that the Committee first consider whether the Council should have separate legal counsel, but if it does not decide to so recommend that the current language in section 507. A., which was added by voter referendum in 2012, remain unchanged. Some other aspects worth considering are whether</p>

the Planning Commission and Board of Zoning Appeals should have separate legal counsel – in many county and municipal jurisdictions, this is done so as to maintain the independence of those bodies from the potential influence if their legal counsel is the County Attorney or a member of his/her staff.

Another matter worth considering is whether there should be a “Peoples Counsel” for zoning and possibly other matters of County government, as provided in various other jurisdictions – see, for example, section 224(f) of the Harford County Charter.

As I have previously recommended, the Committee is now reviewing what are especially complex matters. Thus, it is appropriate to do more thorough review and analysis than has occurred regarding the prior Articles I-IV. Again, I suggest that the Committee take some “time-off” to review view these remaining articles and do appropriate research regarding them – it could appoint subcommittees to review each article and offer suggestions – and reconvene the full Committee beginning in September.

Harford County Charter

Section 224. Office of Council Attorney.

(a) The Office of Council Attorney shall be administered by the Council Attorney. At the time of appointment, the Council Attorney shall have been a member in good standing of the Bar of the Maryland Court of Appeals for at least five years and, prior to assuming the duties of the office, shall be domiciled in the County.

(b) The Council Attorney shall be the Chief Legal Advisor to the Council in all matters and shall have the authority and duty to appear in legal and administrative proceedings on behalf of Harford County, Maryland, in all matters as may be deemed advisable and necessary relating to and supporting the Council's actions, functions, powers and duties. The Council Attorney shall be appointed by the Council and shall be in the exempt service.

(c) The Council Attorney shall have the authority to hire such assistant Council attorneys and other employees as may be necessary to perform the duties of the office. The officers and employees of the Executive Branch shall provide such assistance and facilities to the Council Attorney as may be deemed necessary to the performance of the Council

Attorney's duties. The Council Attorney shall render such assistance to the officers and employees of the Executive Branch as may be necessary to assist them in the performance of their duties.

(d) The Council Attorney may, with the approval of the Council, employ special legal counsel to work problems of an extraordinary nature when the work to be done is of such a character or magnitude as to require services in addition to those regularly provided by the Department of Law or Council Attorney's Office.

(e) Neither the Council Attorney nor any assistant in the Council Attorney's Office may, at any time, while holding such office, practice as an attorney before the Council or any agency of the County government other than to represent the County's interest.

(f) Subject to the approval of a majority of the Council, a People's Counsel shall be employed by the Council Attorney to represent the interests of the public in zoning matters. The duties, powers and functions of the People's Counsel shall be set forth by legislative act. The Council may provide for a People's Counsel Citizens' Advisory Board to be appointed by the Council.

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