

Introduced by: Mr. Weiner
Date of introduction: February 25, 2014

ORDINANCE NO. 14-020

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE BRANCH GENERATED LEGISLATION AS TO LEGALITY

WHEREAS, the County Attorney has stated that there is no central clearinghouse for legislation emanating from the Executive branch, such that legislation therefrom frequently is forwarded without legal review; and

WHEREAS, approval of Executive Branch-generated legislation as to legality by the County Attorney or designee will increase efficiency and consistency and safeguard against legal challenges.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 2 (“General Provisions”) is hereby amended by the addition of Section 2.05.514., all of which shall be considered underscored.

Sec. 2.05.514. Office of Law.

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E. Approval as to legality of Executive branch generated ordinances and resolutions. Every ordinance or resolution emanating from the Executive branch of government shall be proposed in writing and shall be approved as to legality by the County Attorney or his or her designee, as demonstrated by an appropriate signature line, before the ordinance or resolution is provided to, and accepted by, the sponsor and the Clerk of Council for placement on the agenda.

Section 2. This ordinance shall become effective upon passage by the New Castle County Council and approval by the County Executive or as otherwise set forth in 9 *Del. C.* Section 1156.

Section 3. The provisions of this ordinance shall become effective for all Executive branch-produced legislation not yet accepted by the Clerk for the agenda as of the passage of this ordinance.

Adopted by County Council of
New Castle County on: 02/25/2014

President of County Council of
New Castle County

Approved on:

County Executive

SYNOPSIS: This legislation requires a signature by the County Attorney or his or her designee on all legislation emanating from the Executive Branch, which signature indicates approval as to the legality of the legislation before the ordinance or resolution is provided to, and accepted by, the sponsor and the Clerk of Council for placement on the agenda.

FISCAL NOTE: There will be costs associated by the Law Office with reviewing all legislation introduced to County Council by the Executive Branch.