

**RESOLUTION NO. 460**

**RESOLUTION REQUIRING LOCAL LAWS BE PROVIDED TO THE COUNTY ATTORNEY FOR COMMENT**

Introduced: 10/13/16

By Messrs. Mendick, Burgdraf, Drake and Mauriello

WHEREAS, the Albany County Legislature has many proposed local laws on its legislative agenda, and

WHEREAS, the current legislative process does not require review by the County Attorney of any local laws prior to their enactment, and

WHEREAS, some local laws enacted by the legislature have been the subject of lawsuits and County Executive vetoes citing faulty drafting, enforcement issues, and unconstitutionality of the enactments, and

WHEREAS, the County Attorney is charged with defending the County's local laws and is thereby familiar with pitfalls which can undermine his efforts to defend the legislature's enactments, and

WHEREAS, the Legislature, both Majority and Minority, have counsel to advise their respective conference members on substantive matters, however commentary from the County Attorney would be beneficial, now, therefore be it

RESOLVED, that no local law can be placed on the County Legislature's agenda without the opinion of the County Attorney, and, be it further

RESOLVED, that if the opinion of the County Attorney is not provided within thirty days of request then, in such instance, the proposer shall provide a letter indicating same and the local law may be placed on the legislative agenda, and, be it further

RESOLVED, the commentary of the County Attorney shall in no way be interpreted as an endorsement or condemnation of the local law by the County Attorney, the County Executive, or any other member of the Executive branch of the Albany County government, and, be it further

RESOLVED, that it is the intent of this resolution to assist the review of local laws by members of legislative committees by trying to identify legal issues requiring attention as early in the process as possible, and, be it further

RESOLVED, that the Committee or the Legislature may or may not incorporate changes/concerns that have been opined by the County Attorney into the local law, and, be it further

RESOLVED, that the Clerk of the County Legislature be directed to forward certified copies of this resolution to the appropriate County officials.

*Referred to Law Committee. 10/13/16*

*Unfavorable Recommendation - Law Committee. 11/21/16*

*On roll call vote the following voted in favor: Messrs. Burgdorf, Dawson, Drake, Ethier, Mauriello, Mendick, Reinhardt and Stevens – 8.*

*Those opposed: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Crouse, Ms. Cunningham, Messrs. Domalewicz, Feeney, Fein, Grimm, Higgins, Hogan, R. Joyce, Mss. Lekakis, Lockart, Messrs. Mackey, Mayo, Mss. McKnight, McLean Lane, Messrs. Miller, O'Brien, Signoracci, Smith, Touchette, Tunny, Ward and Ms. Willingham – 29.*

*Resolution was defeated. 12/5/16*