

Introduced by: Mr. Weiner
Date of introduction: January 14, 2014

ORDINANCE NO. 14-003

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”)
CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE
BRANCH GENERATED LEGISLATION AS TO FORM AND 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 is inconsistent with County Council legislation format; and

WHEREAS, approval of Executive Branch-generated legislation as to form and 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. E. Approval as to form and 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 standard Council form and format and 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:

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 Council legislation format and as to legality of the legislation.

FISCAL NOTE: