

memo

Office Of Law

From: Romilda Crocamo, Esq.

Date: August 13, 2019

Re: Administrative Code

There are several reasons it is disadvantageous to including specific duties and tasks in the Administrative Code (the "Code") for particular County Departments:

First, the change to the Code is not designed to cure any particular operational problem that we are facing. Stated bluntly, there is no good reason to make such a large-scale change to the Code when it is not designed to correct any problem that currently exists.

Second, no amount of specificity will relieve the County from having to interpret the words that are selected to describe the tasks that need to be accomplished. In fact, by being more specific, it will create the additional obligation on the County to determine whether a particular task has been assigned or delegated to one particular Department over another.

Third, by including specific tasks in the Code it will give rise to the interpretation that non-enumerated, but essential tasks are not the responsibility of a particular Department. This may happen because essential tasks have been mistakenly omitted from the revised Code, or more problematically, when new tasks and obligations arise that clearly fall within a Department's overall area of responsibility. Such tasks and obligations routinely arise for many County Departments when there are changes in technology, rule-making or law.

Finally, "specificity", in-and-of-itself, is a never-ending continuum. One level of specificity merely highlights the fact that tasks and obligations could be described in a more detailed manner. The most effective Code is one that achieves a level of specificity so that the County can effectively operate. Obviously, if there are particular problems that need to be addressed, the language in the Code should be changed, but that should be handled on a case-by-case basis.

