

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Friday, November 03, 2017 5:45 AM
To: CouncilMail
Cc: Miller, Ryan; Sager, Jennifer
Subject: CB77-2017 An Act removing certain authority of the County Executive during a local state of emergency

Dear Councilmembers,

I would like to point out the following concerns with CB77-2017.

First, there seems to be the legislative intent to strictly limit the emergency powers to those legally authorized. However, by leaving the clause "including but not limited to" in Section 6.104 (a) of the Code, the emergency powers of the County Executive are essentially unlimited. Ironically, it is possible that decades from now in the heat of an emergency situation, the County Executive, without analysis of the state law, could thus interpret the broad provision to authorize restrictions on alcohol or firearms.

Second, the administrative testimony points out that there is "no enforcement mechanism to hold individuals accountable for *willfully violating these public safety provisions* during an emergency." However, the bill as drafted makes it a strict liability crime with no requirement that the violation be either "willful" or "knowingly." Ryan Miller replied to my inquiry on this matter stating: "I'll request that this language be looked at closely so we are consistent in both legislation and testimony." However, as of November 2, 2017, there is no posted amendment to make the bill consistent with the testimony that violations be willful.

Third, an executive order which simply states that the deadline for removing snow is extended technically cannot be violated. It would be more accurate to state beginning on line 8 of page 2 that "A PERSON WHO VIOLATES THE EXTENDED DEADLINE FOR REMOVING SNOW FROM SIDEWALKS PURSUANT TO SECTION 18.402(H)(2) OF THIS CODE IS SUBJECT TO THE PENALTIES SET FORTH IN SUBSECTION 18.402(H) OF THIS CODE."

Thank you for your attention to these issues.

Sincerely,

Joel Hurewitz