

**PRINCE GEORGE'S COUNTY COUNCIL**  
**AGENDA ITEM SUMMARY**

**Meeting Date:** 3/17/98

**Reference No.:** CB-6-1998

**Proposer:** Maloney

**Draft No.:** 3

**Sponsors:** Maloney

**Item Title:** An Ordinance requiring that oral argument before the District Council be made a part of the record for the purposes of a judicial appeal

**Drafter:** Joyce B. Nichols  
Principal Counsel to the  
District Council

**Resource Personnel:** Andy Eppelmann  
Legislative Aide

**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>	1/6/98	<b>Executive Action:</b>	___/___/___	___
<b>Committee Referral:(1)</b>	1/6/98	PZED	<b>Effective Date:</b>	___/___/___
<b>Committee Action:</b>	2/11/98	FAV(A)		
<b>Committee Referral:(2)</b>	3/24/98	PZED		
<b>Committee Action:</b>	___/___/___	_____		
<b>Date Introduced:</b>	2/17/98			
<b>Pub. Hearing Date:</b>	3/17/98	2:00 PM		

**Council Action:(1)** 3/17/98 ENACTED  
**Council Votes:** RVR:N, DB:N, SD:A, JE:N, IG:A, TH:A, WM:A, AS:A, MW:N  
**Pass/Fail:** P

**Council Action:(2)** 3/24/98 RECONSIDER  
**Council Votes:** RVR:A, DB:A, SD:A, JE:A, IG:N, TH:A, WM:N, AS:A, MW:A  
**Pass/Fail:** P

**Council Action:(3)** 3/24/98 RECOMMIT  
**Council Votes:** RVR:A, DB:A, SD:A, JE:A, IG:A, TH:A, WM:AB, AS:A, MW:A  
**Pass/Fail:** P

**Remarks:**

**3/17/98:** DR-2 amended on the floor; DR-3 enacted

**PLANNING, ZONING & ECON. DEV. COM. REPORT**

DATE: 2/11/98

Committee Vote: Favorable as amended, 3-0-1 (In favor: Council Members Del Giudice, Gourdine and Maloney; Abstain: Council Member Bailey).

Staff gave an overview of the legislation and informed the Committee of agency comments that were received. The Planning Board and the Executive Branch took no position on the bill. The Office of

Audits and Investigations determined that there should be no negative fiscal impact on the County as a result of enacting CB-6-1998. The Legislative Officer and the Office of Law find the bill to be in proper legislative form.

Council Member Maloney, the bill's sponsor, indicated that he received letters in support of the legislation from Stan Derwin Brown, Esq. and Norman Rivera, Esq. Mr. Maloney also read a letter to the Committee which he received from Russell Shipley, Esq. in support of the bill.

Council Member Del Giudice questioned the fiscal impact associated with the County bearing the cost for transcriptions. Mr. Del Giudice indicated that the public bearing the cost is not normal practice under current State laws for administrative court proceedings. He questioned the cost of the transcription and the number of cases which are appealed per year. Joyce Nichols, Principal Counsel, indicated that the cost is approximately \$600.00 per case and that there are 20 or less cases appealed each year.

Council Member Gourdine expressed concern associated with the County bearing the cost of the transcriptions, especially if the appellant is the applicant for a case. Mr. Gourdine suggested an amendment which would provide that the County only bear the cost under certain circumstances depending on which party is appealing the case. Council Member Del Giudice commented that the bill could not be written to apply costs only to certain groups. Council Member Bailey expressed concerns associated with the parties involved in appealing the cases and bearing the cost of transcription.

Council Member Maloney moved a favorable recommendation on the bill with an amendment on line 4, page 2, to add "including all deliberations" after "Oral argument." Council Member Gourdine suggested an amendment that would require the appellant to pay the cost of transcription. Mr. Maloney accepted this amendment which is included in the bill beginning on line 7, page 2 as "All costs of transcription shall be paid by the appellant."

The following individuals spoke in support of the legislation: John Dollen, First Vice-President, West Laurel Civic Association; Paul Rodbell, Meyers, Billingsley, Rodbell & Rosenbaum, P.A.; Janet Pelley, representing the Sierra Club and Carmen Anderson, representing the Prince George's County Civic Federation. David Miranda, representing the Chamber of Commerce, also spoke in support of the bill with the deletion of lines 6 and 7, page 2.

The following wording was also added as a technical amendment to the bill on line 21, page 1: "as amended by CB-90-1997." The Committee voted a favorable recommendation on CB-6-1998 with amendments.

**BACKGROUND INFORMATION/FISCAL IMPACT**

(Includes reason for proposal, as well as any unique statutory requirements)

The Rules of Procedure governing judicial appeals do not require a reviewing court to review oral argument made before the District Council. This bill would require that a transcript be made of oral argument and submitted to the court for its review during an appeal of a Council decision. The Council would pay the costs of this transcription.

**CODE INDEX TOPICS:**