



Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: February 5, 2019

TO: Robert J. Williams, Jr., Council Administrator

THRU: Jackie Brown, Committee Director
Planning, Housing and Economic Development Committee (PHED)

THRU: Rhonda L. Weaver, Acting County Attorney *RW*

THRU: Joseph C. Ruddy, Deputy County Attorney *Not available*

FROM: Dinora A. Hernandez, Associate County Attorney *DAH*

RE: CB-2-2019

The Office of Law has reviewed the above referenced bill as it was presented on February 19, 2019, and offers the following comments:

The language that is being proposed should mirror the language in Division II of the Land Use Article as it relates to the time a petition should be filed. As currently written, the proposed language states that further review "shall be filed within thirty (30) days of the date of mailing." Please be advised that date of "service" and "date of mailing" are not synonymous. Service by mail triggers a different computation of time per the Maryland Rules. Rule 1-203(c) allows for three days to be added to a prescribed period to take action if service is made by mail. Therefore, it is our recommendation that the proposed text should read as follows:

"For purposes of this Code and, in accordance with Division II, Land Use Article, Annotated Code of Maryland, further review of such final decision shall be filed within thirty (30) days after service of the District Council's final decision by the Clerk of the Council."