

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.:	CB-086-2021
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	10/4/2021
Action:	FAV(A)

REPORT:

Committee Vote: Favorable as amended, 8-0 (In favor: Council Members Hawkins, Anderson-Walker, Dernoga, Glaros, Harrison, Ivey, Taveras, and Turner)

The Committee of the Whole convened on October 4, 2021 to consider CB-86-2021. The Planning, Housing and Economic Development Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. CB-86-2021 amends the Zoning Ordinance to temporarily expand the composition of the Board of Appeals for Prince George's County.

Council Member Dernoga, the bill sponsor, explained that the provisions of CB-86-2021 were initially discussed in Summer 2020 and therefore the dates in Draft-1 of the bill were inappropriate. Mr. Dernoga commented on amendments to provide transition to a new Board without losing continuity starting at the end of 2021, transition period through 2022, to a new Board in 2023.

The Board of Appeals Administrator submitted a September 27, 2021 memorandum to the Committee Director with the following comments:

“The following comments have been generated from the Board of Appeals regarding CB-86-21. The Board of Appeals would like to note that it has historically operated for well over 75 years with three experienced members and has never had any issues regarding having a quorum to conduct the business of the Board. The Board is somewhat concerned that additional members may unnecessarily lengthen the time in which decisions are determined as a body and may needlessly increase the workload for the current staff of only three (3) without any benefit. We do understand that the dates in the proposed bill will need to be corrected at time of committee.”

The Board of Appeals Chair submitted a September 29, 2021 memorandum to the Committee Director with comments on the legislation.

By memorandum dated October 3, 2021, the Zoning Hearing Examiner submitted the following comments:

“This bill ‘temporarily’ expands the composition of the Board from three to five members. Since the bill includes a relatively short period within which this expansion would take place, I suggest that the sponsor amend Section 2-119 to simply revise the number, note in the history that it is

the intent that this would be a temporary change to the composition, and present a law changing the composition back to three if and when the Council determines that the composition should change.”

The Council’s Zoning and Legislative Counsel summarized revisions in a Proposed Draft-1A (DR-1A) as referenced by Council Member Dernoga to address inappropriate dates as follows:

Sec. 2-119. Board composition; terms; compensation; officers.

(a) The Board of Appeals shall consist of [three (3)] five (5) members until December 31, ~~2021~~2022, appointed by the Council for a term of four (4) years or until their successors are appointed and duly qualified. The term of appointments shall coincide with the term of office of the Council.

(1) Two additional new appointees to the Board of Appeals shall serve their terms until December 3, ~~2022~~ 2023.

(2) Current members of the Board of Appeals shall serve their terms until December 31, ~~2021~~ 2022, or until their successors are appointed and confirmed.

(3) In the event a member currently serving on the board is replaced, the new appointment will specify their terms expiration date to either December 31, ~~2021~~ 2022 or December 3, ~~2022~~ 2023.

The Office of Law reviewed CB-86-2021 as it was presented on September 21, 2021 and found it to be in proper legislative form with no legal impediments to its enactment. Terry Bell, County Executive’s County Council Liaison, indicated that additional time was needed to review the revisions in DR-1A prior to comment from the Executive.

Council Member Glaros suggested that consideration be given to geographic balance and residency in older neighborhoods when the new Board members are appointed. Council Member Turner inquired about the fiscal impact. In response, the Council Administrator commented that there would be no fiscal problem with a transition to five Board members.

On a motion by Council Member Hawkins and second by Council Member Harrison, the Committee voted favorable with the amendments as contained in Proposed DR-1A.