

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 4/27/2004  
**Reference No.:** CB-010-2004  
**Draft No.:** 2  
**Proposer(s):** Knotts, Dean, Peters, Harrington, Exum  
**Sponsor(s):** Knotts, Dean, Peters, Harrington, Exum  
**Item Title:** An Ordinance amending the appointment procedure for the People's Zoning Counsel, providing for the role of Deputy People's Zoning Counsel, and amending the compensation provisions.

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**Drafter:** Council Staff,  
**Resource Personnel:**

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	2/17/2004	<b>Executive Action:</b>	
<b>Committee Referral:</b>	2/17/2004 - PZED	<b>Effective Date:</b>	4/27/2004
<b>Committee Action:</b>	3/3/2004 - FAV(A)		
<b>Date Introduced:</b>	3/16/2004		
<b>Public Hearing:</b>	4/27/2004 - 1:30 P.M.		
<b>Council Action (1)</b>	4/27/2004 - ENACTED		
<b>Council Votes:</b>	MB:N, SHD:A, TD:A, CE:A, DCH:A, TH:N, TK:A, DP:A, PS:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-137, 27-138, 27-139, 27-139.01

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT REPORT

**Date 3/3/2004**

Committee Vote: Favorable with amendments, 3-1 (In favor: Council Members Dernoga, Dean, and Exum. Opposed: Council Member Bland)

Staff gave an overview of the legislation explaining that it modifies People's Zoning Counsel provisions in the Zoning Ordinance governing that official's appointment, qualifications, and other matters. The bill provides for the role of the Deputy People's Zoning Counsel and removes the County Executive from the appointment and compensation sections of the ordinance pertaining to the People's Zoning Counsel.

Stan Brown, Esq., People's Zoning Counsel, addressed the committee concerning the legislation and recommendations that he had provided by letter dated February 26, 2004, to the committee chairman. Mr. Brown indicated that the language in Section 27-137 (c) is too broad noting that "any matter involving land use in Prince George's County" includes deed preparation, real estate settlements, real estate sales contract disputes, boundary disputes, issuance of zoning opinion letters to refinance commercial buildings, eminent domain proceedings, District Court lawsuits, Circuit Court lawsuits, etc. all of which are unrelated to zoning cases and do not create any conflict of

interest issues for the People's Zoning Counsel. He recommended that the section be revised as follows:

"An individual appointed as People's Zoning Counsel or Deputy People's Zoning Counsel may not represent a private client in any zoning case before the Board of Appeals, Planning Board or District Council, nor be employed by a firm that does so."

Mr. Brown also commented that the language in Section 27-139.01(a)(1) is too limited since zoning cases before the District Council include oral argument hearings and occasionally "evidentiary hearings." His letter states that People's Zoning Counsel should be permitted to participate in such evidentiary hearings before the District Council. Mr. Brown recommended the section be revised as follows:

"(1) The Zoning Hearing Examiner or the District Council ([solely] for oral argument hearings or evidentiary hearings) if the matter involves a zoning case..."

The Principal Counsel advised the committee that the language proposed by Mr. Brown in Section 27-137(c) would allow the People's Zoning Counsel or Deputy People's Zoning Counsel to represent a client in a subdivision case since the restriction applies to "any zoning case before the Board of Appeals, Planning Board or District Council." To clarify the restriction, it was suggested that the language be amended to read: "...may not represent any client in any matter involving any land use case brought pursuant to Subtitles 24 or 27 in Prince George's County..."

The committee accepted this additional clarification to Section 27-137(c) as well as the language suggested by Mr. Brown amending Section 27-139.01(a)(1) and directed staff to include the amendments in Draft-2.

The Legislative Officer and the Principal Counsel found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-10-2004.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The proposed legislation amends the appointment procedure for the People's Zoning Counsel, providing for the role of Deputy People's Zoning Counsel, and amending the compensation provisions.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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