
By: **Delegates Impallaria, Aumann, Boteler, Cluster, Frank, and Kach**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - People's Counsel**

3 FOR the purpose of requiring the County Executive of Baltimore County to appoint a
4 People's Counsel; creating an Office of People's Counsel; specifying the term of
5 office, qualifications, salary, powers, duties, and purposes of the People's
6 Counsel; requiring the People's Counsel to take a certain oath; requiring that
7 the Baltimore County budget include money to operate the Office of People's
8 Counsel; authorizing the People's Counsel to have access to certain records; and
9 generally relating to the Baltimore County People's Counsel.

10 BY adding to

11 Article 24 - Political Subdivisions - Miscellaneous Provisions

12 Section 11-102

13 Annotated Code of Maryland

14 (2001 Replacement Volume and 2004 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

18 11-102.

19 (A) IN THIS SECTION, "DEPARTMENT" MEANS THE BALTIMORE COUNTY
20 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT,
21 PERMITS OFFICE.

22 (B) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY SHALL APPOINT A
23 PEOPLE'S COUNSEL WITH THE ADVICE AND CONSENT OF THE COUNTY COUNCIL OF
24 BALTIMORE COUNTY.

25 (C) (1) THE TERM OF OFFICE OF THE PEOPLE'S COUNSEL IS 3 YEARS.

26 (2) THE COUNTY EXECUTIVE MAY REMOVE THE PEOPLE'S COUNSEL FOR
27 INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE.

1 (D) THE PEOPLE'S COUNSEL:

2 (1) SHALL HAVE BEEN ADMITTED TO PRACTICE LAW IN THE STATE; AND

3 (2) SHALL HAVE KNOWLEDGE AND EXPERTISE IN MATTERS
4 PERTAINING TO STATE AND LOCAL GOVERNMENT LAW AND ADMINISTRATIVE LAW.

5 (E) BEFORE TAKING OFFICE, THE PEOPLE'S COUNSEL SHALL TAKE THE OATH
6 REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

7 (F) THE PEOPLE'S COUNSEL:

8 (1) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE; AND

9 (2) IS ENTITLED TO A SALARY AS PROVIDED IN THE BALTIMORE COUNTY
10 BUDGET.

11 (G) (1) THE BALTIMORE COUNTY BUDGET SHALL PROVIDE SUFFICIENT
12 MONEY FOR THE PEOPLE'S COUNSEL TO HIRE NECESSARY STAFF AND TO
13 ADMINISTER AND MAINTAIN AN OFFICE.

14 (2) THE PEOPLE'S COUNSEL MAY RETAIN AS NECESSARY FOR A
15 PARTICULAR MATTER OR HIRE EXPERTS, INCLUDING ACCOUNTANTS, CONSULTANTS,
16 AND LAWYERS.

17 (H) (1) WITH REGARD TO ANY MATTER FOR WHICH THE STATE HAS
18 DELEGATED ITS AUTHORITY TO THE DEPARTMENT THE PEOPLE'S COUNSEL SHALL
19 REVIEW, INVESTIGATE, MAKE FINDINGS, AND RESPOND TO A COMPLAINT FILED BY
20 ANY PERSON WITH REGARD TO THE DEPARTMENT'S ACTION ON A PERMIT OR
21 LICENSE.

22 (2) WITH REGARD TO ANY MATTER THAT IS THE SUBJECT OF A
23 COMPLAINT UNDER THIS SECTION, THE PEOPLE'S COUNSEL SHALL HAVE FULL
24 ACCESS TO THE RECORDS OF THE DEPARTMENT.

25 (3) THE PEOPLE'S COUNSEL SHALL HAVE AS ITS PRIMARY PURPOSES:

26 (I) TO RESOLVE QUICKLY ANY DISPUTE BETWEEN AN APPLICANT
27 AND THE DEPARTMENT INVOLVING A PERMIT;

28 (II) TO THE EXTENT PRACTICABLE, TO HELP AFFECTED PARTIES
29 AVOID UNNECESSARY LITIGATION; AND

30 (III) TO ENSURE THAT APPLICANTS AND THE DEPARTMENT ENGAGE
31 IN RESPECTFUL AND FAIR DEALING.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2005.