

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1228 (Delegate Impallaria, *et al.*)
Environmental Matters

Baltimore County - People's Counsel

This bill requires the Baltimore County Executive to appoint a People's Counsel with the advice and consent of the Baltimore County Council.

Fiscal Summary

State Effect: None.

Local Effect: None. Since Baltimore County currently has a People's Counsel, the bill would have no material impact on county finances.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The term of office for the People's Counsel would be three years, and the individual may be removed by the county executive for incompetence, misconduct, or any other good cause. This individual must have been admitted to practice law in the State and must have expertise in State and local government law and administrative law. The Baltimore County budget must provide sufficient funding for the People's Counsel to hire necessary staff and to maintain an office. The primary functions of the People's Counsel will be to quickly resolve a dispute between a permit applicant and the Baltimore County Department of Environmental Protection and Resource Management, to help affected parties avoid unnecessary litigation, and to ensure that permit applicants and the department engage in respectful and fair dealings. Additionally, the People's Counsel must review, investigate, make findings, and respond to a complaint filed by any individual with regard to the department's action on a permit or license.

Current Law: Baltimore County currently has a People's Counsel, as established in the Baltimore County Charter. The People's Counsel is appointed by the Baltimore County Executive with the confirmation of the Baltimore County Council, and may be removed by the county executive with the consent of the county council. The People's Counsel must be a Baltimore County resident, has been admitted to practice law in the State, and must have engaged in the practice of law for at least five years before being appointed. Among the People's Counsel's duties are to appear on behalf of the interests of the public in general before the zoning commissioner of Baltimore County, the county board of appeals, the planning board, and the courts. Additionally, it is the responsibility of the People's Counsel to defend any duly enacted master plan or comprehensive zoning maps as adopted by the county council. The People's Counsel is entitled to have full access to the records of all county agencies, to call upon the assistance of county employees, and have the benefit of all other facilities or information of the county in carrying out the individual's responsibilities. The county charter requires that the People's Counsel receive an annual salary and appropriation as needed to carry out the individual's duties in the county's annual budget.

Background: The Baltimore County Department of Environmental Protection and Resource Management was established in 1987 to administer and enforce environmental laws, regulations, programs, and activities for the purpose of conserving, enhancing, and perpetuating the natural resources of the county and preserving and protecting the environmental health of its citizens. The department is responsible for several activities, including air pollution control, water quality management, wastewater management, regional community services, environmental support services, the county's critical area protection program, land use planning, and sediment control.

Local Fiscal Effect: Baltimore County advises that there is already a People's Counsel for Baltimore County, and this individual is currently part of the Office of Planning and Community Conservation. The county further advises that as a result of the bill, they would transfer the People's Counsel to the Department of Environmental Protection and Resource Management. By transferring to the Department of Environmental Protection and Resource Management, the People's Counsel would, ostensibly, be able to expedite the permit approval process by allowing the People's Counsel to have greater access to the records of the department. The transferring of the People's Counsel to the Department of Environmental Protection and Resource Management would not materially affect Baltimore County finances.

Small Business Effect: If the transfer of the People’s Counsel to the Department of Environmental Protection and Resource Management would expedite the permit approval process, small businesses could be positively impacted by having their building permits approved more quickly and efficiently.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County, Department of Legislative Services

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mp/hlb

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