

# In The Court of Appeals of Maryland

No. 63  
COA-REG-0063-2021

SEPTEMBER TERM, 2021

PRINCE GEORGE'S COUNTY,

Petitioner,

v.

ROBERT E. THURSTON, *et al.*,

Respondents.

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## APPENDIX — PRINCE GEORGE'S COUNTY

(On Appeal from the Circuit Court for Prince George's County, Maryland  
Honorable William A. Snoddy, Presiding)

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[rpugh@pughlawgroup.com](mailto:rpugh@pughlawgroup.com)

*Attorneys for Petitioner*

Friday, February 18, 2022

# APPENDIX

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OFFICE OF MAHASIN EL AMIN  
CLERK OF THE CIRCUIT COURT  
OF PRINCE GEORGE'S COUNTY  
UPPER MARLBORO, MARYLAND 20772  
TELEPHONE: (301) 952-4053  
TTY: 565-0450

February 15, 2022

HONORABLE SUZANNE C. JOHNSON, CLERK  
COURT OF APPEALS OF MARYLAND  
361 ROWE BOULEVARD  
ANNAPOLIS, MARYLAND 21401

**IN THE MATTER OF:**

Prince George's County  
Vs  
Robert E. Thurston, et al

**CAL22-01728**

**No. 1865, September Term, 2021**

DEAR MS. JOHNSON:

YOU WILL FIND ENCLOSED HERewith THE RECORD IN THE ABOVE-  
DESCRIBED CASE ALONG WITH A STAR-120.

I TRUST YOU WILL FIND SAME IN ORDER.

VERY TRULY YOURS,

*Mahasin El Amin #806*

MAHASIN EL AMIN,  
CLERK OF THE CIRCUIT COURT

ENCLOSURES  
MEA/sw

CC: Rajesh A. Kumar  
Matthew G. Sawyer





Civil Case Summary

Docket Entries

Case No: CAL22-01728  
 Case Description: Thurston vs Prince Georges County  
 Case Status: CLOSED  
 AOC Case Type: Lien/Judgment  
 Civil Case Type: Declaratory Judg/LA  
 Filing Date: 01/24/2022

DCM Track: 1  
 Try By Date: 05/19/2023

Related Cases

Related Caseld

Parties

<u>Party ID</u>	<u>Party Name</u>	<u>Party Code</u>	<u>End Date</u>
KU0821	Kumar, Rajesh A	ATT	
SA6401	Sawyer, Matthew G	ATT	
@3289476	Prince Georges County	DEF	
@3289473	Holmes, Stanley	PLA	
@3289472	Perkins, John D	PLA	
@3289471	Stulich, Stephanie	PLA	
@3289470	Thurston, Robert E	PLA	

Judgments

<u>Amount</u>	<u>Name</u>	<u>Filing Date</u>	<u>Status</u>	<u>Last Active Date</u>
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Events

<u>Schedule Date</u>	<u>Schedule Event</u>	<u>Closing Docket</u>	<u>Docket Date</u>	<u>Judge</u>
01/28/2022	Hearing	Hearing Held	01/28/2022	William A Snoddy
01/26/2023	Hearing	Hearing Continued/Prior to	01/25/2022	William A Snoddy
05/19/2023	Try By Date			

Civil Case Summary

Docket Activity

<u>Date</u>	<u>Docket Entry</u>	<u>User</u>
01/24/2022	Memorandum, filed 004 fd/db Plaintiffs' Memorandum in Support of Their Motion for Temporary Restraining Order and Preliminary Injunction Filed with Exhibit e 1/24/2022	DMB
01/24/2022	Summons Issued For Defendant 005 fd/db Summons issued at the counter for Defendant on 1/24/2022 e 1/24/2022	DMB
01/24/2022	Complaint, Fd. 001 fd/db EMERGENCY-Verified Complaint for Declaratory Judgment and Writ of Mandamus and for a Temporary Restraining Order and Preliminary Injunctive Relief e 1/24/2022	ACC
01/24/2022	Plaintiff's Information Sheet 002 fd/db e 1/24/2022	DMB
01/24/2022	Motion, filed 003 fd/db EMERGENCY Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction Tagged to Judge Snoddy e 1/24/2022	ACC
01/24/2022	CaseType: Declaratory Judg/LA	DMB
01/25/2022	Hearing Continued/Prior to ^809^ Other	TRS
01/27/2022	Line Entering Appearance, Fd. 006 Enter the appearance of Rajesh A. Kumar as counsel to the Prince George's County Council fd fc e 1/27/2022	FJC
01/28/2022	Hearing Held	DLM
01/31/2022	Order of Court, filed	STG

Civil Case Summary

007

Order dated 1-31-2022, Judge Snoddy Ordered, that Prince George's County, Maryland, and/or the Prince George's County Council is permanently enjoined from acting upon, implementing, or otherwise presenting the redistricting plan in CR-123-2021 to any entity charged with acting upon implementing the County's redistricting plan; and it is further Ordered, that Prince George's County, Maryland, and/or the Prince Georges's County Council shall immediately withdraw the rdistricting plan in CR-123-2021 and submit the Commission's plan to all entities charged with acting upon or implementing the County's redistricting plan; and it is further Ordered, that the County and/or the Council shall immediately cease and desist any publication of the redistricting plan in CR-123-2021 or otherwise withdraw the plan in CR-123-2021 from public view to the extent practicable and within its control; and it is further Ordered, that any relief not granted herein is Denied; and it is further Ordered that this case is Closed Statistically.

fd sg 770

cc: M. Sawyer

01/31/2022	CaseDisp: Dismissed	STG
01/31/2022	Civil Case Closure Form, Fd, 008 fd sg 770	STG
02/01/2022	Copy of Clerks Letter 010 Copy of Clerks Letter fd sw e 2/1/22	SSW
02/01/2022	Notice of Appeal, filed 009 Notice of Appeal filed by: Rajesh A. Kumar Paid:\$61.00 Date: 12/1/22 Receipt: 66506 fd sw e 2/1/22	SSW
02/08/2022	Transcript, filed 011 Transcripts received for 1/28/2022 f: bh/808 e: 2.8.2022	BEH
02/14/2022	Order fr Ct of Special Appeals 012 NO.1865 September Term 2021 On the Writ of Certiorari issued by the Court Of Appeals of Maryland on February 11 , 2022, it is this 14th day of February 2022, by the Court of Special Appeals, ORDERED that, pursuant to Rule 8-412(b), the Clerk of the Circuit Court for Prince George's County shall transmit the record on appeal to the Court of Appeals on or before February 25, 2022 along with the writ of certiorari. fd sw e 2/14/22	SSW

STATE OF MARYLAND

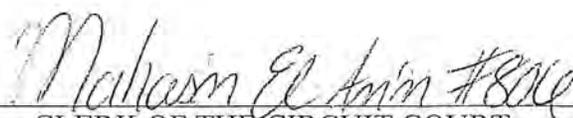
PRINCE GEORGE'S COUNTY, TO WIT: \

I HEREBY CERTIFY that the foregoing are the originals (and Certified copies) of Record and Transcripts in the enclosed described case.

I FURTHER CERTIFY that a true copy of the docket entries is included.

IN TESTIMONY WHEREOF, I have hereto set my  
hand and affix the Seal of the Circuit Court for  
Prince George's County, Maryland, and this 15th

day of February 2022

  
CLERK OF THE CIRCUIT COURT

STATEMENT OF COSTS

Plaintiff's Costs -----	\$90.00
Defendant's Costs -----	\$0.00
Clerk Fees -----	\$0.00
Maryland Legal Service -----	\$55.00
Motion Real Property Fees -----	\$30.00
Housing Counseling -----	\$0.00
Preparation of Record-----	\$0.00
Appeal Filing Fee -----	\$61.00
Stenographer's Costs -----	\$480.50

Total Costs : \$ 716.50



Date Printed :02/14/2022

Circuit Court For Prince George's County, Maryland

Civil Appeals Transmittal Docket

Date Printed: February 14, 2022

Index

Circuit Court For Prince George's County, Maryland

CAL22-01728

Case Description: Thurston vs Prince Georges County

Case Status: CLOSED

AOC Case Type: Lien/Judgment

Civil Case Type: Declaratory Judg/LA

Filing Date: 01/24/2022

DCM Track: 1

Parties

ID	Name	Party Type	Attv ID	Attorney Name	Attv End Date	Phone
KU0821	Kumar, Rajesh A	ATT				
SA6401	Sawyer, Matthew G	ATT				
@3289476	Prince Georges County	DEF				
@3289473	Holmes, Stanley	PLA				
@3289472	Perkins, John D	PLA				
@3289471	Stulich, Stephanie	PLA				
@3289470	Thurston, Robert E	PLA				

Events

Scheduled Date	Scheduled Event	Closing Docket	Docket Date	Judge
01/28/2022	Hearing	Hearing Held	01/28/2022	William A Snoddy
01/26/2023	Hearing	Hearing Continued/Prior to	01/25/2022	William A Snoddy
05/19/2023	Try By Date			

## Circuit Court For Prince George's County, Maryland

## Docket Activity

Date	Page #	Docket Entry	
01/24/2022	_____	(CDJDL)	CaseType: Declaratory Judg/LA
01/28/2022	_____	(EHEHD)	Hearing Held
01/31/2022	_____	(CXDIS)	CaseDisp: Dismissed
01/25/2022	_____	(EHECP)	Hearing Continued/Prior to ^809^ Other
01/24/2022	<u>1</u>	(CCMPL)	Complaint, Fd. 001 fd/db EMERGENCY-Verified Complaint for Declaratory Judgment and Writ of Mandamus and for a Temporary Restraining Order and Preliminary Injunctive Relief e 1/24/2022
01/24/2022	<u>2-4</u>	(CPINF)	Plaintiff's Information Sheet 002 fd/db e 1/24/2022
01/24/2022	<u>5-8</u>	(CMOFI)	Motion, filed 003 fd/db EMERGENCY Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction Tagged to Judge Snoddy e 1/24/2022
01/24/2022	<u>9</u>	(CMEMO)	Memorandum, filed 004 fd/db Plaintiffs' Memorandum in Support of Their Motion for Temporary Restraining Order and Preliminary Injunction Filed with Exhibit e 1/24/2022
01/24/2022	<u>10-11</u>	(CSISD)	Summons Issued For Defendant 005 fd/db Summons issued at the counter for Defendant on 1/24/2022 e 1/24/2022

## Circuit Court For Prince George's County, Maryland

## Docket Activity

Date	Page #	Docket Entry	
01/27/2022	<u>12-13</u> (CLEAP)	Line Entering Appearance, Fd.	006 Enter the appearance of Rajesh A. Kumar as counsel to the Prince George's County Council fd fc e 1/27/2022
01/31/2022	<u>14-15</u> (COCRT)	Order of Court, filed	007 Order dated 1-31-2022, Judge Snoddy Ordered, that Prince George's County, Maryland, and/or the Prince George's County Council is permanently enjoined from acting upon, implementing, or otherwise presenting the redistricting plan in CR-123-2021 to any entity charged with acting upon implementing the County's redistricting plan; and it is further Ordered, that Prince George's County, Maryland, and/or the Prince Georges's County Council shall immediately withdraw the rdistricting plan in CR-123-2021 and submit the Commission's plan to all entities charged with acting upon or implementing the County's redistricting plan; and it is further Ordered, that the County and/or the Council shall immediately cease and desist any publication of the redistricting plan in CR-123-2021 or otherwise withdraw the plan in CR-123-2021 from public view to the extent practicable and within its control; and it is further Ordered, that any relief not granted herein is Denied; and it is further Ordered that this case is Closed Statistically. fd sg 770 cc: M. Sawyer
01/31/2022	<u>16</u> (CCCCF)	Civil Case Closure Form, Fd.	008 fd sg 770
02/01/2022	<u>17-24</u> (PPNOA)	Notice of Appeal, filed	009 Notice of Appeal filed by: Rajesh A. Kumar Paid:\$61.00 Date: 12/1/22 Receipt: 66506 fd sw e 2/1/22
02/01/2022	_____ (PPCCL)	Copy of Clerks Letter	010 Copy of Clerks Letter fd sw e 2/1/22

Circuit Court For Prince George's County, Maryland

Docket Activity

Date	Page #	Docket Entry	
02/08/2022	_____ (PPTRA)	Transcript, filed	011 Transcripts received for 1/28/2022 f: bh/808 e: 2.8.2022
02/14/2022	_____ (PPORC)	Order fr Ct of Special Appeals	012 NO.1865 September Term 2021 On the Writ of Certiorari issued by the Court Of Appeals of Maryland on February 11, 2022, it is this 14th day of February 2022, by the Court of Special Appeals, ORDERED that, pursuant to Rule 8-412(b), the Clerk of the Circuit Court for Prince George's County shall transmit the record on appeal to the Court of Appeals on or before February 25, 2022 along with the writ of certiorari. fd sw e 2/14/22

PRINCE GEORGE'S COUNTY,

Appellants,

v.

ROBERT E. THURSTON, ET AL.,

Appellees.

\* IN THE  
 \* COURT OF SPECIAL APPEALS  
 \* OF MARYLAND  
 \* No. 1865, September Term, 2021  
 \* (Pet. No. 405, September Term, 2021  
 \* in the Court of Appeals)  
 \* (Cir. Ct. No. CAL22-01728)

\* \* \* \* \*

ORDER

On the Writ of Certiorari issued by the Court of Appeals of Maryland on February 11, 2022, it is this 14th day of February 2022, by the Court of Special Appeals,

ORDERED that, pursuant to Rule 8-412(b), the Clerk of the Circuit Court for Prince George's County shall transmit the record on appeal to the Court of Appeals on or before February 25, 2022 along with the writ of certiorari.



CHIEF JUDGE'S SIGNATURE  
 APPEARS ON ORIGINAL ORDER

Matthew J. Fader, Chief Judge

*ide*

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2021 Legislative Session**

Resolution No. CR-123-2021  
Proposed by Council Members Hawkins, Davis, Franklin, Harrison, Taveras, and Turner  
Introduced by Council Members Hawkins, Davis, Franklin, Harrison, Taveras and Turner  
Co-Sponsors \_\_\_\_\_  
Date of Introduction October 19, 2021

**RESOLUTION**

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A RESOLUTION concerning  
2021 Prince George’s County Council Redistricting Plan  
For the purpose of enacting a plan of County Council district boundaries, as a Resolution with the force and effect of law upon notice and public hearing, in accordance with Section 305 of the County Charter.

WHEREAS, Section 305 of the County Charter provides that the boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter; and

WHEREAS, this Section further provides that a commission on redistricting be appointed to prepare, publish, and make available a plan of Council districts, together with a report explaining it, for Council consideration on or before September 1 of the year prior to the year in which redistricting is to be effective; and

WHEREAS, on January 28, 2021, the County Council adopted CR-6-2021 appointing members to the 2021 Redistricting Commission and reciting the commission’s respective duties as prescribed by Charter; and

WHEREAS, the 2021 Redistricting Commission executed its charge remotely, via a virtual platform, due to the COVID-19 pandemic. Despite the challenges posed by the COVID-19 pandemic, the hallmark of the 2021 Redistricting Commission Plan and Report has been transparency, with a focus on citizen and community participation; and

WHEREAS, the 2021 Redistricting Commission conducted a comprehensive series of public meetings and public hearings, which included electronic outreach efforts to gather public input in the preparation of its Plan; and

WHEREAS, to encourage public input and enhance public understanding of the

1 redistricting process and procedures, and to promote transparency, a redistricting website was  
2 created, which included but was not limited to information on the redistricting process and  
3 timelines, agenda and meeting minutes, census data, public comments, briefings, preliminary and  
4 final plan proposals; and

5 WHEREAS, the 2021 Redistricting Commission transmitted its 2021 Redistricting  
6 Commission Plan and Report to the County Council on September 1, 2021; and

7 WHEREAS, as further required by Section 305 of the County Charter, the County Council  
8 held a public hearing on the 2021 Redistricting Commission Plan and Report on September 28,  
9 2021, which included public testimony, comment, and plan proposals; and

10 WHEREAS, the County Council conducted public work sessions on October 12, 2021 and  
11 October 14, 2021, respectively, to consider the 2021 Redistricting Commission Plan and Report  
12 and to create a 2021 Prince George's County Council Redistricting Plan for consideration and  
13 action; and

14 WHEREAS, on October 14, 2021, an alternative plan was presented at the County Council  
15 sitting as the Committee of the Whole and the alternative plan, known as the 2021 Prince  
16 George's County Council Redistricting Plan, was voted favorably out of the Committee of the  
17 Whole by the County Council; and

18 WHEREAS, on October 19, 2021, the County Council voted favorably to amend the  
19 alternative plan, known as the 2021 Prince George's County Council Redistricting Plan, which  
20 amendments were whereupon incorporated herein; and

21 WHEREAS, the district boundaries of the 2021 Prince George's County Council  
22 Redistricting Plan are set forth in Attachments A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, and  
23 Q, and attached hereto and made a part hereof as if set forth fully herein; and

24 WHEREAS, Attachment A is a depiction of Existing District Boundaries, Attachment B is  
25 a depiction of Council's Proposed Plan from October 14, 2021, Attachment C depicts a  
26 Comparison of Existing Districts and Proposed Districts, Attachment D depicts a Countywide  
27 Map of the Proposed Plan, Attachment E depicts Proposed Districts Overlaid with Existing  
28 District Boundaries, Attachment F depicts the Block Equivalency Files of the Proposed Plan,  
29 Attachment G depicts the Metes and Bounds of the Proposed Plan, Attachment H depicts  
30 Population Demographics of the Proposed Plan, Attachment I depicts Proposed District 1,  
31 Attachment J depicts Proposed District 2, Attachment K depicts Proposed District 3, Attachment

1 L depicts Proposed District 4, Attachment M depicts Proposed District 5, Attachment N depicts  
2 Proposed District 6, Attachment O depicts Proposed District 7, Attachment P depicts Proposed  
3 District 8, and Attachment Q depicts Proposed District 9; and

4 WHEREAS, the 2021 Prince George’s County Council Redistricting Plan, as set forth in  
5 Attachments A through Q, meets the requirements of Section 305 of the County Charter that the  
6 redistricting plan of County Council district boundaries be compact, contiguous, and equal in  
7 population; and

8 WHEREAS, Section 305 of the Charter also specifies the legislative process for approval of  
9 a County Council Redistricting Plan; and

10 WHEREAS, by way of Council Bill 55-2012, being also Chapter 23 of the 2012 Laws  
11 Prince George’s County, Maryland, the County Council enacted a proposed Charter Amendment  
12 to Section 305 of the County Charter, stating that if the Council passes a law to change the  
13 redistricting proposal that was submitted by the Redistricting Commission, such law shall be  
14 adopted by Resolution of the County Council upon notice and public hearing; and

15 WHEREAS, in accordance with Section 1105 of the Charter, CB-55-2012 was ratified by  
16 the qualified voters of the County at the General Election held on November 6, 2012, and took  
17 effect on December 7, 2012; and

18 WHEREAS, it is the intent of the County Council to exercise its authority pursuant to  
19 Section 305 of the County Charter.

20 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George’s  
21 County, Maryland, that that the 2021 Prince George’s County Council Redistricting Plan, as set  
22 forth in Attachments A through Q hereto, and incorporated as if set forth fully herein, be and the  
23 same is hereby approved.

24 BE IT FURTHER RESOLVED that the provisions of this Resolution are hereby declared to  
25 be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,  
26 clause, phrase, or word of this Resolution is declared invalid or unconstitutional by a court of  
27 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
28 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
29 Resolution, since the same would have been enacted without the incorporation in this Resolution  
30 of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph,  
31 subsection, or section.

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SECTION 3. BE IT FURTHER RESOLVED that the Clerk of the Council is hereby directed to transmit a certified copy of the approved 2021 Prince George's County Council Redistricting Plan to the Prince George's County Board of Elections on the date of its adoption for further administrative action.

Adopted this 16<sup>th</sup> day of November, 2021.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
\_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:



\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

# The Law Offices of Matthew G. Sawyer, LLC

MATTHEW G. SAWYER  
MATTHEW@MSAWYERLAW.COM  
LICENSED IN MD AND DC  
301-244-9151

January 23, 2022

## VIA HAND DELIVERY

Mahasin El Amin  
Clerk of the Court  
for Prince George's County  
Courthouse  
14735 Main Street  
Upper Marlboro, Maryland 20772

## Re: *Emergency Review*

**Case:** *Robert E. Thurston, et al. v. Prince George's County*  
**Our Client:** *Robert E. Thurston, et al.*  
**Our File No.:** **2022-0044**

Dear Clerk:

Please see the enclosed (Emergency) Verified Complaint for Temporary Restraining Order and Preliminary and Permanent Injunctive Relief; Motion for Temporary Restraining Order and Preliminary Injunction; Memorandum in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction and its attached Affidavit of Robert E. Thurston.

As described within them, these pleadings concern the recent redistricting measures and election law with respect to upcoming elections in Prince George's County and are of substantial importance to the general public. The relief requested is emergency in nature as it affects these upcoming elections and the very districts the voters and candidates reside and declare candidacy in. It is critical that these pleadings are quickly reviewed, a summons issued, and relief expedited.

Undersigned counsel discussed this matter with the Clerk's office and was instructed to denote the pleadings as emergencies. Undersigned counsel has made efforts to contact the County Attorney's office with respect to these pleadings but has not received a response to date.

Sincerely,

/s/ Matthew G. Sawyer  
Matthew G. Sawyer

---

30 Courthouse Square, Suite 100 • Rockville, Maryland 20850

Circuit Court For Prince George's County  
Clerk Of The Circuit Court  
Courthouse  
Upper Marlboro, Md. 20772-9987  
MD Relay Service Voice/ TDD  
1-800-735-2258

Case No.: CAL22-01728

Other Reference No.(s): \_\_\_\_\_

Child Support Enforcement Number: \_\_\_\_\_

Date issued: January 24, 2022

To: Prince George's County  
County Admin. Bldg.  
14741 Gov. Oden Bowie DR  
Upper Marlboro, MD 20772

### WRIT OF SUMMONS

You are hereby summoned to file a written response by pleading or motion, within 30 days after service of this summons upon you, in this Court, to the attached complaint filed by:

Robert E. Thurston, et al.  
30 Conthara sq. ste 100  
Rockville, MD 20850

This summons is effective for service only if served within 60 days after the date it is issued.

Mahasun El Amin  
Clerk of the Circuit Court #58

To the person summoned:

Failure to file a response within the time allowed may result in a judgment by default or the granting of the relief sought against you.

Personal attendance in court on the day named is NOT required.

Proper Courtroom attire is expected. Anything that you would wear to an office that presents a professional appearance is appropriate. Please no shorts, cut-off jeans, halter, tank or tube tops or other attire that reveals the abdomen or lower back, spandex or mesh garments.

Instructions for Service:

1. This summons is effective for service only if served within 60 days after the date issued.
2. Proof of Service shall set out the name of the person served, date and the particular place and manner of service. If service is not made, please state the reasons.
3. Return of served or unserved process shall be made promptly and in accordance with Maryland Rule 2-126.
4. If this notice is served by private process, process server shall file a separate affidavit as required by Maryland Rule 2-126(a).

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

(City or County)

**CIVIL - NON-DOMESTIC CASE INFORMATION REPORT**

**DIRECTIONS**

**Plaintiff:** This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a).

**Defendant:** You must file an Information Report as required by Rule 2-323(h).

**THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING**

FORM FILED BY:  PLAINTIFF  DEFENDANT CASE NUMBER CA22-01728

CASE NAME: Robert E. Thurston, et al. vs. Prince George's County, Maryland  
Plaintiff Defendant

PARTY'S NAME: Robert E. Thurston, et al. PHONE: \_\_\_\_\_

PARTY'S ADDRESS: 5114 Navahoe Street, College Park, MD 20740

PARTY'S E-MAIL: \_\_\_\_\_

**If represented by an attorney:**

PARTY'S ATTORNEY'S NAME: Matthew G. Sawyer PHONE: 301-244-9151

PARTY'S ATTORNEY'S ADDRESS: 30 Courthouse Sq., Suite 100, Rockville, MD 20850

PARTY'S ATTORNEY'S E-MAIL: matthew@mmsawyerlaw.com

JURY DEMAND?  Yes  No

RELATED CASE PENDING?  Yes  No If yes, Case #(s), if known: \_\_\_\_\_

ANTICIPATED LENGTH OF TRIAL?: \_\_\_\_\_ hours 1 days

**PLEADING TYPE**

New Case:  Original  Administrative Appeal  Appeal

Existing Case:  Post-Judgment  Amendment

*If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.*

**IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)**

**TORTS**

- Asbestos
- Assault and Battery
- Business and Commercial
- Conspiracy
- Conversion
- Defamation
- False Arrest/Imprisonment
- Fraud
- Lead Paint - DOB of Youngest Plt: \_\_\_\_\_
- Loss of Consortium
- Malicious Prosecution
- Malpractice-Medical
- Malpractice-Professional
- Misrepresentation
- Motor Tort
- Negligence
- Nuisance
- Premises Liability
- Product Liability
- Specific Performance
- Toxic Tort
- Trespass
- Wrongful Death

**CONTRACT**

- Asbestos
- Breach
- Business and Commercial
- Confessed Judgment
- (Cont'd)
- Construction
- Debt
- Fraud

**PROPERTY**

- Government
- Insurance
- Product Liability
- Adverse Possession
- Breach of Lease
- Detinue
- Distress/Distrain
- Ejectment
- Forcible Entry/Detainer
- Foreclosure
- Commercial
- Residential
- Currency or Vehicle
- Deed of Trust
- Land Installments
- Lien
- Mortgage
- Right of Redemption
- Statement Condo
- Forfeiture of Property / Personal Item
- Fraudulent Conveyance
- Landlord-Tenant
- Lis Pendens
- Mechanic's Lien
- Ownership
- Partition/Sale in Lieu
- Quiet Title
- Rent Escrow
- Return of Seized Property
- Right of Redemption
- Tenant Holding Over

**PUBLIC LAW**

- Attorney Grievance
- Bond Forfeiture Remission
- Civil Rights
- County/Mncpl Code/Ord
- Election Law
- Eminent Domain/Condemn.
- Environment
- Error Coram Nobis
- Habeas Corpus
- Mandamus
- Prisoner Rights
- Public Info. Act Records
- Quarantine/Isolation
- Writ of Certiorari

**EMPLOYMENT**

- ADA
- Conspiracy
- EEO/HR
- FLSA
- FMLA
- Workers' Compensation
- Wrongful Termination

**INDEPENDENT**

**PROCEEDINGS**

- Assumption of Jurisdiction
- Authorized Sale
- Attorney Appointment
- Body Attachment Issuance
- Commission Issuance

**CONSTRUCTIVE TRUST**

- Constructive Trust
- Contempt
- Deposition Notice
- Dist Ct Mtn Appeal
- Financial
- Grand Jury/Petit Jury
- Miscellaneous
- Perpetuate Testimony/Evidence
- Prod. of Documents Req.
- Receivership
- Sentence Transfer
- Set Aside Deed
- Special Adm. - Atty
- Subpoena Issue/Quash
- Trust Established
- Trustee Substitution/Removal
- Witness Appearance-Compel

**PEACE ORDER**

- Peace Order

**EQUITY**

- Declaratory Judgment
- Equitable Relief
- Injunctive Relief
- Mandamus

**OTHER**

- Accounting
- Friendly Suit
- Grantor in Possession
- Maryland Insurance Administration
- Miscellaneous
- Specific Transaction
- Structured Settlements

2022 JAN 24 PM 11:22  
 PREC'D CO AD 1151  
 CLERK OF THE CIRCUIT COURT

**IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)**

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Abatement               | <input type="checkbox"/> Earnings Withholding            | <input type="checkbox"/> Judgment-Interest           | <input type="checkbox"/> Return of Property       |
| <input type="checkbox"/> Administrative Action   | <input type="checkbox"/> Enrollment                      | <input type="checkbox"/> Judgment-Summary            | <input type="checkbox"/> Sale of Property         |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement                     | <input type="checkbox"/> Liability                   | <input type="checkbox"/> Specific Performance     |
| <input type="checkbox"/> Arbitration             | <input type="checkbox"/> Findings of Fact                | <input type="checkbox"/> Oral Examination            | <input type="checkbox"/> Writ-Error Coram Nobis   |
| <input type="checkbox"/> Asset Determination     | <input type="checkbox"/> Foreclosure                     | <input type="checkbox"/> Order                       | <input type="checkbox"/> Writ-Execution           |
| <input type="checkbox"/> Attachment b/f Judgment | <input type="checkbox"/> Injunction                      | <input type="checkbox"/> Ownership of Property       | <input type="checkbox"/> Writ-Garnish Property    |
| <input type="checkbox"/> Cease & Desist Order    | <input type="checkbox"/> Judgment-Affidavit              | <input type="checkbox"/> Partition of Property       | <input type="checkbox"/> Writ-Garnish Wages       |
| <input type="checkbox"/> Condemn Bldg            | <input type="checkbox"/> Judgment-Attorney Fees          | <input type="checkbox"/> Peace Order                 | <input type="checkbox"/> Writ-Habeas Corpus       |
| <input type="checkbox"/> Contempt                | <input type="checkbox"/> Judgment-Confessed              | <input type="checkbox"/> Possession                  | <input checked="" type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees        | <input type="checkbox"/> Judgment-Consent                | <input type="checkbox"/> Production of Records       | <input type="checkbox"/> Writ-Possession          |
| <input type="checkbox"/> Damages-Compensatory    | <input checked="" type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order  |   |
| <input type="checkbox"/> Damages-Punitive        | <input type="checkbox"/> Judgment-Default                | <input type="checkbox"/> Reinstatement of Employment |   |

If you indicated **Liability** above, mark one of the following. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.  Liability is not conceded, but is not seriously in dispute.  Liability is seriously in dispute.

**MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)**

- Under \$10,000     \$10,000 - \$30,000     \$30,000 - \$100,000     Over \$100,000
- Medical Bills \$ \_\_\_\_\_     Wage Loss \$ \_\_\_\_\_     Property Damages \$ \_\_\_\_\_

**ALTERNATIVE DISPUTE RESOLUTION INFORMATION**

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

- |                |                              |  |                          |                              |  |
|----------------|------------------------------|--|--------------------------|------------------------------|--|
| A. Mediation   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | C. Settlement Conference | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| B. Arbitration | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | D. Neutral Evaluation    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**SPECIAL REQUIREMENTS**

- If a Spoken Language Interpreter is needed, check here and attach form **CC-DC-041**
- If you require an accommodation for a disability under the Americans with Disabilities Act, check here and attach form **CC-DC-049**

**ESTIMATED LENGTH OF TRIAL**

*With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL.*

*(Case will be tracked accordingly)*

- |   |   |
|---|---|
| <input type="checkbox"/> 1/2 day of trial or less       | <input type="checkbox"/> 3 days of trial time           |
| <input checked="" type="checkbox"/> 1 day of trial time | <input type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time           |   |

**BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM**

*For all jurisdictions, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.*

- |   |   |
|---|---|
| <input type="checkbox"/> <b>Expedited</b> - Trial within 7 months of Defendant's response | <input type="checkbox"/> <b>Standard</b> - Trial within 18 months of Defendant's response |
|---|---|

**EMERGENCY RELIEF REQUESTED**

**COMPLEX SCIENCE AND/OR TECHNOLOGICAL CASE  
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.*

- Expedited** - Trial within 7 months of Defendant's response       **Standard** - Trial within 18 months of Defendant's response

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, OR BALTIMORE COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

**CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)**

- Expedited                      Trial 60 to 120 days from notice. Non-jury matters.
- Civil-Short                      Trial 210 days from first answer.
- Civil-Standard                  Trial 360 days from first answer.
- Custom                          Scheduling order entered by individual judge.
- Asbestos                         Special scheduling order.
- Lead Paint                      Fill in: Birth Date of youngest plaintiff \_\_\_\_\_.
- Tax Sale Foreclosures        Special scheduling order.
- Mortgage Foreclosures      No scheduling order.

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- Expedited  
(Trial Date-90 days)          Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- Standard  
(Trial Date-240 days)        Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- Extended Standard  
(Trial Date-345 days)        Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- Complex  
(Trial Date-450 days)        Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

January 24, 2022  
Date

/s/ Matthew G. Sawyer      1506160278  
Signature of Counsel / Party      Attorney Number

30 Courthouse Square, Suite 100  
Address

Matthew G. Sawyer  
Printed Name

Rockville,                      MD      20850  
City                              State      Zip Code

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

2022 JAN 24 AM 11:22

**ROBERT E. THURSTON, et al.,**

PR GEO CO MD #61

**Plaintiffs,**

v.

Case No. CAL22-01728

**PRINCE GEORGE'S COUNTY,**

**Defendant.**

**(EMERGENCY)**

**PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Plaintiffs, Robert E. Thurston, Stephanie E. Stulich, John D. Perkins, and Stanley Holmes, and, by and through their attorneys, Matthew G. Sawyer, and the Law Offices of Matthew G. Sawyer, LLC, and pursuant to Maryland Rules 15-501 *et seq.*, 1-351 and 2-311(c) and (d), hereby request this Honorable Court to enter a Temporary Restraining Order and Preliminary Injunction against the Defendant, Prince George's County, Maryland (the "County"), and in support thereof, state the following:

1. On November 16, 2021, the Prince George's County Council (the "Council") introduced resolution CR-123-2021, a redistricting resolution changing the Redistricting Commission's Plan previous plan for Prince George's County.

2. County Charter Section 305 specifically provides that a change to the Commission's Plan must be a law, yet the Council only passed a resolution.

3. County Charter Section 317 states "The Council shall enact no law except by bill."

4. The powers granted to the County by the Maryland Constitution and the Express Powers Act specifically provide that the County may only enact legislation—not resolution—with respect to establishing districts.

5. The amended portion of Section 305 authorizing law by resolution is in contravention with the remainder of the Charter.

6. Moreover, the amended language directly violates the Express Powers Act in which the Council is specifically only provided the power to “enact legislation” “to create and revise election districts and precincts[,]” and is not provided the power to do so by resolution. Md. Code Ann. LOCAL GOVERNMENT §§ 10-102 and 10-306.

7. Plaintiffs are likely to prevail on the merits of the Complaint, the verified allegations of which are incorporated by reference herein as if fully restated herein.

8. Plaintiffs will suffer far greater injury if its requested injunctive relief is denied than Defendant will suffer if it is granted.

9. A Temporary Restraining Order is necessary to preserve the status quo to prevent further accrual of irreparable harm to Plaintiffs.

10. Plaintiffs have suffered, and will suffer in the future, irreparable injury as a result of Defendant’s actions.

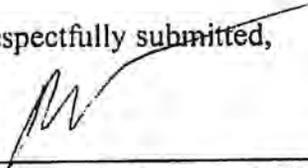
11. The public interest is best served by the granting of this injunction.

12. The grounds for the Temporary Restraining Order and Preliminary Injunction are further set forth in the Verified Complaint filed herewith and in the accompanying Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction.

WHEREFORE, Plaintiffs, Robert E. Thurston, Stephanie E. Stulich, John D. Perkins, and Stanley Holmes, respectfully request that this Court:

- a) Grant Plaintiffs an injunction and enjoin Defendant, Prince George's County from:
  - i. Implementing the redistricting plan provided under CR-123-2021;
  - ii. Enforcing February 22, 2022 as the filing deadline for candidates for County Council until such time as a final judgment has been made by this Court as to the merits of this action; and
- b) Grant such other and further relief as this case and the cause of justice requires.

Respectfully submitted,

By: 

Matthew G. Sawyer (CPF 1506160278)  
The LAW OFFICES OF  
MATTHEW G. SAWYER, LLC  
30 Courthouse Square, Suite 100  
Rockville, Maryland 20850  
P: 301-244-9151  
E: [Matthew@MSawyerLaw.com](mailto:Matthew@MSawyerLaw.com)  
*Counsel for Plaintiffs*

**MARYLAND RULE 15-504(b) CERTIFICATION**

I HEREBY CERTIFY on this 24th day of January, 2022, I caused a copy of Plaintiffs Robert E. Thurston, Stephanie E. Stulich, John D. Perkins, and Stanley Holmes' Verified Complaint, Motion for Temporary Restraining Order and Preliminary Injunction, and Memorandum of Law in support thereof to be served, via hand delivery and email, upon Defendant Prince George's County, Maryland. As such, Defendant, Prince George's County, Maryland has been provided with notice of Plaintiffs' intent to obtain a temporary restraining order and preliminary injunction.

Respectfully submitted,

By: /s/ Matthew G. Sawyer  
Matthew G. Sawyer (CPF 1506160278)  
The LAW OFFICES OF  
MATTHEW G. SAWYER, LLC  
30 Courthouse Square, Suite 100  
Rockville, Maryland 20850  
P: 301-244-9151  
E: Matthew@MSawyerLaw.com  
*Counsel for Plaintiffs*

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**ROBERT E. THURSTON,  
5114 Navahoe Street  
College Park, Maryland 20740**

**and**

**STEPHANIE STULLICH,  
7400 Dartmouth Avenue  
College Park, Maryland 20740**

**and**

**JOHN D. PERKINS,  
5303 Brewer Road  
Beltsville, Maryland 20705**

**and**

**STANLEY HOLMES,  
6225 Suitland Road  
Suitland, Maryland 20746**

**Plaintiffs,**

**v.**

**PRINCE GEORGE'S COUNTY,  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772-3050**

**Serve: Angela D. Alsobrooks  
County Executive  
Wayne K. Curry Admin. Bldg.  
1301 McCormick Drive  
Suite 4000  
Largo, Maryland 20774**

**Defendant.**

CLERK OF THE  
CIRCUIT COURT  
2022 JAN 24 AM 11: 22  
PR GEO CO MD NS1

Case No. CAL22-01728

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**(EMERGENCY)  
VERIFIED COMPLAINT FOR  
DECLARATORY JUDGMENT AND WRIT OF MANDAMUS AND FOR A  
TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTIVE RELIEF**

---

Plaintiffs, Robert E. Thurston, Stephanie E. Stulich, John D. Perkins, and Stanley Holmes, by and through their attorneys, Matthew G. Sawyer, and the Law Offices of Matthew G. Sawyer, LLC, and pursuant to Maryland Rules 15-701 Maryland Rules 15-501 through 15-505 and 15-701, as well as Md. Code Ann., COURTS AND JUDICIAL PROCEEDINGS § 3-401, *et seq.*, hereby file this Verified Complaint for Declaratory Judgment and Writ of Mandamus and for a Temporary Restraining Order and Preliminary Injunctive Relief, against the Defendant, Prince George's County, Maryland, and in support thereof, state the following:

**Parties**

1. The Plaintiff, Robert E. Thurston, is a resident and registered voter in Prince George's County, Maryland. Mr. Thurston is the President of the Lakeland Civic Association, a historically African American Community located in Prince George's County with a history of resiliency in the face of government action against the community.

2. The Plaintiff, Stephanie E. Stulich, is a resident and registered voter in Prince George's County, Maryland. Ms. Stulich is a former College Park City Councilmember and former president of the Old Town Civic Association. Her

neighborhood will be split in half between two County Council districts under the newest redistricting plan.

3. The Plaintiff, John D. (“JD”) Perkins, is a resident and registered voter in Prince George’s County, Maryland. Mr. Perkins is a proud veteran of the armed services of the United States and is the President of the Vansville Civic Association, an unincorporated, historically African American community located in Prince George’s County. His neighborhood will also be split in half between two County Council districts under the newest redistricting plan.

4. The Plaintiff, Stanley Holmes, is a resident and registered voter in Prince George’s County, Maryland. Mr. Holmes is also a proud veteran of the armed services of the United States and is the President of the Skyline Citizens Association, an unincorporated community located in Prince George’s County.

5. The Defendant, Prince George’s County, Maryland is a charter county authorized under Maryland Law and governed according to the Prince George’s County Charter (the “Charter”).

#### **Jurisdiction and Venue**

6. Jurisdiction is proper pursuant to Md. Code Ann. COURTS AND JUDICIAL PROCEEDINGS § 6-102 as the County is in the State of Maryland.

7. Venue is proper pursuant to Md. Code Ann. COURTS AND JUDICIAL PROCEEDINGS § 6-201 as the County is in Prince George’s County, Maryland.

### Statement of Facts

8. Prince George's County (the "County"), Maryland is a charter county, subject to the rights and limitations provided to it by the Maryland Constitution and Md. Code Ann. LOCAL GOVERNMENT. §§ 10-101, *et seq.*, the "Express Powers Act."

9. Under the Express Powers Act, charter counties are empowered to "exercise by legislative enactment the express powers provided in Subtitles 2 and 3" of the Express Powers Act. Md. Code Ann. LOCAL GOVERNMENT § 10-102 (a).

10. § 10-206 (b) limits a charter county's power "only to the extent that the powers are not preempted by or in conflict with public general law[.]" Md. Code Ann. LOCAL GOVERNMENT §10-206, and the "Public Local Laws of Maryland, shall not be enlarged or extended by any charter[.]" Md. Const. art. XI-A, § 2.

11. In cases of any conflict between local law and any public general law, the public general law shall control.

12. § 10-306 and § 10-102(a) of the Express Powers Act authorizes charter counties to enact legislation to create and revise election districts and precincts.

13. As a charter county, the Charter establishes the processes and procedures for the County's governmental functions, including the establishment of a County Council (the "Council") authorized under Maryland Law to legislate those express powers granted to the County, with that legislation still being subject to the general public laws of Maryland.

14. The Charter authorizes only one method to enact a law: through the use of a bill.

15. The Charter defines the word “bill” to mean “any measure introduced in the Council for legislative action[,]” which it defines as “any bill enacted in the manner and form provided in this Charter.” Charter Sections 317, 1017(a), and 1017(b).

16. To legally enact a law under the Charter, the County Council must first propose a bill, submit that bill for Council approval, and then upon such approval, submit the approved bill to the County Executive, who then either approves or vetoes the bill.

17. Council bills are denoted by the letters “CB” before their respective number.

18. On the other hand, the Charter defines the word “resolution” as meaning “a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.” Charter Section 1017(c).

19. Council resolutions are denoted by the letters “CR” before their respective numbers.

20. Council bills express law, and Council resolutions express Council policy.

21. The Charter defines the word “law” as including all acts, public local laws, ordinances, and other legislative acts of the Council” and defines the words “legislative act,” to “mean any bill enacted in the manner and form provided in this Charter.”

22. The County Council is divided into nine election districts, and the boundaries of those districts are established in accordance with Charter Section 305.

23. Charter Section 305 mandates the means and method by which the council districts are established, and this power is expressly authorized under § 10-306 of the Express Powers Act.

24. Charter Section 305 charges the Council with appointing a politically independent commission (The “Commission”) to prepare a redistricting plan that is compact, contiguous, and equal in population, and this plan is submitted to the Council.

25. After a plan is submitted by the Commission, the Council holds a public hearing on the plan, and “[i]f the Council passes no other law changing the [Commission’s proposed plan], then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council.” Charter Section 305.

26. On January 28, 2021, the Council appointed Rev. James J. Robinson, Dr. Charlene Mickens Dukes, and Hon. David C. Harrington as the Prince George’s County Redistricting Commission (the “Commission”) to provide a plan for redistricting the County.

27. The Commission worked throughout the year and held eleven public meetings, two public hearings, and made multiple revisions to their plan based on the public’s input.

28. On August 30, 2021, the Commission unanimously adopted the 2021 Redistricting Commission’s Plan (the “Commission’s Plan”) which consisted of fifty-two pages and represented countless hours of investigation, consideration, and deliberation.

29. On September 1, 2021, the Commission provided the Commission’s Plan to the County Council.

30. According to Charter Section 305, the Commission’s Plan was to become law so long as the Council passed no other “law” changing it.

31. On October 14, 2021, the Council introduced a bill titled CB-115-2021 which, if passed and approved, would have been a “law” changing the Commission’s Plan.

32. CB-115-2021, like virtually every bill under the Charter,<sup>1</sup> was subject to the legislative process, including a possible eventual veto by the County Executive.

33. However, rather than letting CB-115-2021 progress through the legislative course provided by the Charter, the Council withdrew CB-115-2021 and instead introduced a resolution, CR-123-2021, on October 19, which it passed on November 16, 2021.<sup>2</sup>

34. Unlike an intervening “law” changing the proposal, as provided by Charter Section 305, CR-123-2021 was only a resolution, and as such, was not automatically subject to veto or approval by the County Executive.

35. The Council relied on a 2012 Charter amendment (“CB-55-2012”) amending Charter Section 305 to read that “Such law shall be adopted by resolution of the County Council upon notice and public hearing.” Charter Section 305.

36. This amended portion of Section 305 is in contravention of the remainder of the Charter and of Maryland law, but it still does not apply to a law changing the Commission’s Plan.

37. The amended portion of Section 305 that states “Such law shall be adopted by resolution” (which is itself invalid) *only* applies to the law adopting the Commission Plan; it does not apply to the to the “law changing the proposal.” Charter Section 305.

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<sup>1</sup> Except those that are expressly exempt. Charter Section 411.

<sup>2</sup> Operating under the presumption that there was no substantive distinction between CB-115-2021 and CR-123-2021.

38. That law changing the Commission's Plan cannot be made by resolution because there is no legislative path for a resolution to become a law. Laws are only enacted by bill. Charter Section 317.

39. Even though it was only a resolution, the Council Parliamentarian mistakenly characterized CR-123-2021 as though it was a "law" changing the Commission's proposal, stating "[the change to a resolution is] a clerical and formatting change without any substantive difference." *Final Adoption of the Council's Redistricting Plan, CR-123-2021, 2021-10-19* (Statement of K. Zavakos at 16:33).

**Count I**  
**(Declaratory Judgment Declaring the Commission's Plan to Be Law)**

40. Plaintiffs incorporate and reallege the foregoing and subsequent paragraphs as though set forth fully herein and further state as follows:

41. The Charter requires that "If the Council passes no other law changing the proposal, the plan, as submitted, shall become law as of the last day of November, as an act of the Council[.]" Charter Section 305.

42. Charter Section 317 mandates that "The Council shall enact no law except by bill."

43. The Council passed no law changing the Commission's Plan; it only passed CR-123-2021, a resolution.

44. A resolution is not and cannot be a law.

45. Therefore, the Commission's Plan, as submitted, should be law, pursuant to Charter Section 305, as of the last day of November, 2021.

WHEREFORE, the Plaintiffs request that this Honorable Court

- a) Declare that the Commission's Plan be and hereby is enacted as the law of Prince George's County;
- b) Enter an award of Plaintiffs' reasonable attorneys' fees incurred; and
- c) Enter such other and further relief as is necessary and proper.

**Count II**  
**(Writ of Mandamus)**

46. Plaintiffs incorporate and reallege the foregoing and subsequent paragraphs as though set forth fully herein and further state as follows:

47. The Charter requires that "If the Council passes no other law changing the proposal, the plan, as submitted, shall become law as of the last day of November, as an act of the Council[.]"

48. Charter Section 317 mandates that "The Council shall enact no law except by bill."

49. The Council passed no law changing the Commission's Plan; it only passed CR-123-2021, a resolution.

50. A resolution is not and cannot be a law.

51. Therefore, the Commission's Plan, as submitted, should be law, pursuant to Charter Section 305, as of the last day of November, 2021.

WHEREFORE, the Plaintiffs request that this Honorable Court

- a) Mandate that the Commission's Plan be immediately enacted as the law of Prince George's County;

- b) Enter an award of Plaintiffs' reasonable attorneys' fees incurred; and
- c) Enter such other and further relief as is necessary and proper.

**Count III**  
**(Declaratory Judgment Declaring CB-55-2012 Invalid)**

52. Plaintiffs incorporate and reallege the foregoing and subsequent paragraphs as though set forth fully herein and further and alternatively state as follows:

53. Maryland's Express Powers Act authorizes a charter county to "exercise by legislative enactment" those express powers that "are not preempted by or in conflict with public general law." Md. Code Ann. LOCAL GOVERNMENT §§ 10-102 (a) and 10-206.

54. These express powers include the power in § 10-306 to enact legislation to create and revise election districts and precincts. Md. LOCAL GOVERNMENT Code Ann. § 10-306.

55. Therefore, under the Express Powers Act, with respect to redistricting, the County's authority is limited to enacting legislation.

56. Similarly, Charter Section 317 provides that "The Council shall enact no law except by bill."

57. All prior redistricting plans in Prince George's County were enacted by law.

58. The unamended language of Charter Section 305 is likewise consistent with the Charter and the Express Powers Act, and references legislative actions throughout rather than the language of resolution.

59. A 2012 Charter amendment (“CB-55-2012”) amended Charter Section 305 to read that “Such law shall be adopted by resolution of the County Council upon notice and public hearing.” Charter Section 305.

60. Under the Charter, there is no mechanism by which a resolution is a bill, nor is there any procedure by which a resolution can be reviewed or approved by the County Executive, as is the Charter’s requirement for all laws other than those made expressly exempt.

61. A law, or legislative action, cannot be both a law and a resolution, and attempting to pass a law via resolution usurps the Executive’s veto power provided by Charter Section 411 of the Charter and is in direct contravention of the separation of powers established by Maryland law and the Charter.<sup>3</sup>

62. CB-55-2012 is, therefore, inconsistent with the provisions of Maryland public general law and the totality of the Charter and is an improper enlargement or extension of the powers provided under Maryland Law. Md. Const. art. XI-A, § 2.

63. § 10-206(b) of the Express Powers Act provides that “A county council may pass any ordinance, resolution, or bylaw not inconsistent with State law [and]...only to the extent that the powers are not preempted by or in conflict with public general law.”

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<sup>3</sup> Charter Section 411. – Executive Veto. Upon the enactment of any bill by the Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within ten days for his approval or disapproval. And Charter Section 402. - Executive Power and Duties. All executive power vested in Prince George’s County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive who shall be the chief executive officer of the County

64. CB-55-2012 is outside the authority and in conflict with the Charter and with Maryland public general law and is, therefore, invalid under both.

WHEREFORE, the Plaintiffs request that this Honorable Court

- a) Declare that CB-55-2012, be and hereby is invalid;
- b) Enter an award of Plaintiffs' reasonable attorneys' fees incurred;
- c) Enter such other and further relief as is necessary and proper.

**Count IV**  
**(Injunctive Relief)**

65. Plaintiffs incorporate and reallege the foregoing and subsequent paragraphs as though set forth fully herein and further and alternatively state as follows:

66. By improperly adopting the redistricting map under CR-123-2021, the Council has abused its power by improperly determining which candidates may run in particular districts and functionally denying voters the opportunity to vote for the County Council candidate of their choosing and to know with certainty which election district they are part of, and it further denies voters and candidates certainty with respect to running for a County Councilmember position in a particular district.

67. The filing deadline for candidates seeking election to the County Council is February 22, 2022 at 9:00 p.m.

68. By filing this Verified Complaint, Motion for a Preliminary Injunction, and accompanying memorandum in support thereof, the Plaintiffs respectfully request that the Court enjoin Prince George's County, Maryland from effectuating

and/or allowing the redistricting plan under CR-123-2021 to take effect, and to delay the filing deadline for County Council candidacy until the resolution of this proceeding.

69. Without an entry of injunctive relief, the Plaintiffs and the general public in Prince George's County, Maryland will suffer immediate, substantial and irreparable harm.

70. If the redistricting plan under CR-123-2021 is allowed to take effect, there will be confusion among the voters, potential candidates, and the general public of Prince George's County, and the voters and potential candidates will be uncertain about who to vote for and what district they are voting in.

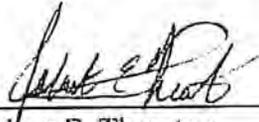
28. As shown in the Plaintiffs' Memorandum in Support of a Temporary Restraining Order and Preliminary Injunction which is incorporated by reference herein, the factors the Court considers to determine whether to grant injunctive relief weigh heavily in favor of granting injunctive relief because (A) the Plaintiffs are likely to succeed on the merits; (B) the balance of harm favors granting the Plaintiffs' motion; (C) the Plaintiffs and the citizens of Prince George's County, Maryland will be irreparably harmed if an injunction is not granted; and (D) the injunction is in the public interest.

29. Plaintiffs respectfully request that bond be waived pursuant to Md. Rule 15- 503(c) as the party enjoined will not be entitled to any damages if enjoined and a substantial injustice will result if the injunction is not issued.

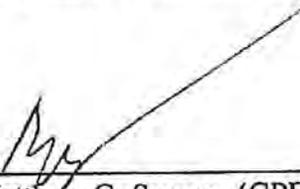
WHEREFORE, the Plaintiffs request that this Honorable Court

- a) Issue an Order granting Plaintiffs a temporary restraining order restraining and enjoining the Defendant, Prince George's County, Maryland from implementing and effectuating the redistricting plan of CR-123-2021 until a determination by this Court;
- b) Issue a preliminary injunction restraining and enjoining the Defendant, Prince George's County, Maryland from implementing and effectuating the redistricting plan of CR-123-2021 until a final judgment has been made on the merits;
- c) Issue a preliminary injunction restraining and enjoining the Defendant, Prince George's County, Maryland from enforcing the February 22, 2022 filing deadline for candidacy until a final judgment has been made on the merits
- d) Enter an award of Plaintiffs' reasonable attorneys' fees incurred; and
- e) Enter such other and further relief as is necessary and proper.

I HEREBY CERTIFY under penalties of perjury that the facts and allegations set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Robert E. Thurston

Respectfully submitted,

By:   
\_\_\_\_\_  
Matthew G. Sawyer (CPF 1506160278)  
The LAW OFFICES OF  
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*Counsel for Plaintiffs*



attempts to gerrymander districts to prevent certain candidates from running in certain districts and similarly preclude the citizenry from voting for the candidates of their choosing. One only need to look as far as the hearings held on October 14 and 19, 2021 by the County Council (the “Council”) to see garishly political displays appearing drawn right from the playbook for dirty and underhanded politics with their gall. Not only do these efforts fail any plausible smell test for propriety in democratic legislation, but it should come as no surprise that they are improper under Maryland Law and the Charter itself. The attempted end-around use of a resolution (which, among other things, circumvents the ability for an Executive veto) as the vehicle for the Council’s actions is in conflict with Charter Sections 305 and 317, the totality of the Charter, the Express Powers Act, and the Maryland Constitution.

The relief being sought in the form of a temporary restraining order and preliminary injunction (collectively, “Injunctive Relief”) is necessary to maintain the *status quo* until resolution of the issues raised in Plaintiffs’ Complaint.<sup>1</sup>

All voters are potential candidates, and essential to any decision by any potential candidate to run or not to run is certainly respecting which district the candidate would be representing. If candidates file—or do not file based on changing district boundaries as a result of this lawsuit—these actions cannot be undone.

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<sup>1</sup> Plaintiffs’ Complaint for Declaratory Judgment and Writ of Mandamus and for a Temporary Restraining Order and Preliminary Injunctive Relief, which is incorporated herein as though it was stated fully within this Motion.

The deadline for a voter to declare his or her candidacy for a County Councilmember position is February 22, 2022. Once declared, the candidate or potential candidate only has a short window of time to withdraw or continue with the candidate's campaign. By the mutually exclusive nature of this lawsuit, certainty for the residents of Prince George's County can only be known at the conclusion of this suit. Therefore, only then should filing deadlines be implemented and should the district boundaries be changed from the *status quo*. Anything other than enjoining the County's efforts to implement the redistricting plan will result in conclusive actions that cannot be undone and will leave voters and potential candidates questioning the very districts they live in and vote in and where they could potentially run as candidates.

Voters and residents of Prince George's County deserve to know this information. They also deserve transparency, which was entirely missing from the Council's redistricting measures. The voters of Prince George's County should not be subject to these exploitative measures, and Council actions ought to instead provide voters with confidence in the electoral process and, at a bare minimum, provide certainty with respect to which district they belong to and which districts they can run in.

Without Court intervention to enjoin further implementation, the requisite certainty will be missing. Without maintenance of the *status quo*, irreparable harm will necessarily occur regardless of the Court's determination in the underlying action. Given the nature of the issues at hand, it is impossible that the voters of Prince George's County will not be confused until a judicial determination is made on these crucial issues concerning districts and redistricting.

## **II. Factual Background.**

### **a. Statutory background.**

The power to create Prince George's County (the "County") is provided by Article XI-A of Maryland's Constitution. Under Section 2 of Article XI-A, the Maryland General Assembly grants charter counties express powers to form charters under the provisions of the Local Government Article of the Maryland Code. Md. Const. art. XI-A. These express powers are listed and codified in the "Express Powers Act." Md. Code Ann. LOCAL GOVERNMENT. §§ 10-101, *et seq.*

The County's charter ("Charter") establishes and details the processes and procedures for the County's governmental functions. These functions include the establishment of a County Council (the "Council") to legislate those express powers granted to it under the Express Powers Act. *Id.* The Express Powers Act states that the County may "exercise by legislative enactment the express powers provided in Subtitles 2 and 3" of the Express Powers Act, § 10-102(a) (emphasis added). The County's powers to legislate the express powers are not thereafter unlimited. Its powers are still restricted "to the extent that the powers are not preempted by or in conflict with public general law." Md. Code Ann. LOCAL GOVERNMENT §10-206(b). So too the Charter is constrained by the powers granted the County, and the County's power "shall not be enlarged or extended by any charter[.]" Md. Const. art. XI-A, § 2.

In short then, the County is empowered only to enact legislation concerning those powers provided by the Express Powers Act, and any legislation enacted cannot be in

conflict with Maryland's Public Law.<sup>2</sup> Md. Const. art. XI-A, § 2 and Md. Code Ann. Local Government. § 10-101, *et seq.*

§ 10-306 of the Express Powers Act provides the County's with the power to enact legislation concerning election districts, stating that the County is empowered to "create and revise election districts and precincts." Md. Code Ann. LOCAL GOVERNMENT § 10-306.

Accordingly, the Prince George's County Charter Section 305 outlines the County's method by which the County's council districts are established. Charter Section 305 directs the Council to appoint a politically independent commission to prepare a redistricting plan, and the commission is to submit this plan to the Council for passage, which occurs by default on the last day of November so long as the Council does not change the commission's proposed plan by passing a bill to become a "law changing the proposal[.]" *Id.*

The Charter authorizes only one method to enact a law. Charter Section 317 plainly states "The Council shall enact no law except by bill." To enact legislation under the Charter, the County Council must propose a bill, submit that bill for Council approval, and, then upon such approval, submit the approved bill to the County Executive for approval or veto. This deliberative process mirrors that of the Maryland and federal legislature process of checks and balances. Similarly, under Section 305, the commission's plan has gone through this deliberative and politically independent process before it becomes law.

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<sup>2</sup> The Express Powers Act and/or the Maryland Constitution.

Charter Section 305. Any bill changing the Commission's Plan must also go through the deliberative process and is subject to the normal course of legislation. Charter Sections 305 and 317.

**b. 2021 Redistricting.**

On January 28, 2021, the Council appointed the redistricting commission (the "Commission"). The Commission worked throughout the year on putting together a redistricting plan in conformance with the state, federal and local laws. The Commission unanimously adopted its 2021 Redistricting Commission's Plan (the "Commission's Plan"). The Commission provided its plan to the County Council on September 1, 2021, and the Commission's Plan was to become law so long as the Council passed no other "law" changing it. Charter Section 305.

On October 14, 2021, the Council introduced a bill to change the Commission's Plan, which if passed and signed by the County Executive, could have become a "law" changing the Commission's Plan. That bill was titled CB-115-2021. Like virtually every bill under the Charter, CB-115-2021 was subject to the legislative process, including some form of check or oversight such as a possible veto by the County Executive. Charter Sections 317 and 411.

Rather than letting CB-115-2021 progress through the Charter's legislative course, the Council withdrew CB-115-2021 and in its place introduced a resolution titled CR-123-

2021. The Council subsequently passed CR-123-2021 by a favorable vote of 6-4 on November 16, 2021.<sup>3</sup>

As justification for the change, the Council ostensibly relied on a 2012 Charter amendment (“CB-55-2012”) that amended Charter Section 305 to add language that “Such law shall be adopted by resolution of the County Council upon notice and public hearing.” Charter Section 305.

As is discussed further, this amended portion of Section 305 contravenes the remainder of the Charter and of Maryland law. But it is also nonsensical when taken in context. The word “law” the amendment refers to when it states “Such law shall be adopted by resolution” *only* applies to the law adopting the previously deliberated Commission Plan; it does not apply to the to the “law changing the proposal” by the Commission. Charter Section 305. That law cannot be made by resolution because there is no legislative path for a resolution to become a law, especially one that is unchecked with no deliberation. Charter Section 317. So regardless of the amended language in Section 305, any law changing the proposal still must be just that: a law that was passed in the normal legislative course with all checks and balances.

The Council was right at first in trying to make the change to the Commission’s Plan by law, through the introduction of the bill CB-115-2021, which would have become a “law changing the proposal” after passage and Executive approval. Changing the bill to a resolution was improper no matter how it was characterized or justified. The Council’s

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<sup>3</sup> Operating under the stated presumption that there was no substantive distinction between CB-115-2021 and CR-123-2021.

Parliamentarian stated on the record that “[the change to a resolution is] a clerical and formatting change without any substantive difference.” *Final Adoption of the Council's Redistricting Plan*, CR-123-2021, 2021-10-19 (Statement of K. Zvakos at 16:33). Though there is certainly a substantive difference between a resolution and a bill in terms of legislative process and the ability for Executive approval or veto, the Council’s confusion only further supports Plaintiffs’ argument that the amended language of CB-55-2012 is invalid because a resolution cannot become a law, nor can a law be created by a resolution. *See* Charter Section 317.

The change to a resolution allowed CR-123-2021 to escape the County Executive’s review and possible veto. It gave the Council the unchecked power to unilaterally redistrict the County, even allowing it to keep particular candidates from running in particular districts, which CR-123-2021 was unabashedly designed to do.<sup>4</sup>

The amended language the County relied on to try and pass a resolution rather than a bill stands in stark contravention to the unequivocal terms of Charter Section 317<sup>5</sup> and the remaining totality of the Charter.<sup>6</sup> Moreover, the amended language directly violates the Express Powers Act which restricts the Council’s to enacting legislation “to create and

---

<sup>4</sup> “Council Chair Calvin Hawkins (D-At Large) said in an interview that politics probably played a role in redistricting plan. ‘I am not acting like I am naive. I know this is a political process,’ Hawkins said in an interview. ‘Everyone knew where everyone lived.’” Rachel Chason, *Accusations of gerrymandering have deepened divisions in this Democratic suburb near D.C.*, THE WASHINGTON POST, November 10, 2021.

<sup>5</sup> Charter Section 317: “The Council shall enact no law except by bill.”

<sup>6</sup> The only exceptions to this are subject to oversight by either the State, the County Executive, or by referendum.

revise election districts and precincts[.]” and it is not provided the power to do so by resolution. Md. Code Ann. LOCAL GOVERNMENT §§ 10-102 and 10-306.

### III. Legal Standard.

The primary purpose of issuing injunctive relief is “to maintain the *status quo* pending a decision as to justifiable controversy[.]” *Harford County Ed. Ass'n v. Board of Ed. Of Harford County*, 281 Md. 574, 585 (1977).

Maryland courts apply the following test derived from Maryland Rule 15-504 to determine whether temporary restraining orders or preliminary injunctions should be granted: (1) the likelihood that the plaintiff will succeed on the merits; (2) the “balance of convenience” and whether the plaintiff will suffer greater injury by denying the injunction than would result if it is granted; (3) whether the plaintiff will suffer irreparable injury unless the injunction is granted; and (4) where appropriate, the public interest. *See Lerner v. Lerner*, 306 Md. 771, 776 (1986); *Scott v. Seek Lane Venture, Inc.*, 91 Md. App. 668, 694, *cert. denied*, 327 Md. 626 (1992) (*citing Teferi v. DuPont Plaza Assoc.*, 77 Md. App. 566, 578 (1989); *State Dep't. of Health and Mental Hygiene v. Baltimore County*, 281 Md. 548, 554 (1977)).

“[T]hese factors are not like elements of a tort” but are instead “*factors*, designed to guide trial judges in deciding whether a preliminary injunction should be issued.” *DMF Leasing, Inc. v. Budget Rent-A-Car of Maryland, Inc.*, 161 Md. App. 640, 648 (2005) (emphasis in original). In other words, “If a trial judge correctly identifies and applies these factors, we will not disturb the judge's decision absent an abuse of discretion.” *Id.*

Application of these four factors to the dispute between Plaintiffs and the Defendant clearly favors the issuance of a temporary restraining order and preliminary injunction. Once these actions are taken, they will be almost impossible to undo.

#### IV. Argument.

- a. **The Plaintiffs are likely to succeed on the merits because the text of the laws is clear, and the amended language is invalid under Maryland law.**

Plaintiffs' case sounds in pure logic. Section 305 states that "[i]f the Council passes no other law changing the [commission's proposed plan], then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council." Charter Section 305. Furthermore, the County Charter Section 317 unequivocally states that "The Council shall enact no law except by bill." The Council passed no other law changing the Commission's proposal. Therefore, the Commission's Plan should have become law as of "the last day of November 2021, as an act of the Council[.]" Charter Section 305.

Furthermore, the Express Powers Act and the Maryland Constitution provide that the County is only empowered to enact legislation concerning redistricting and neither provides any accommodations for a charter county to redistrict itself via simple resolution. Md. Const. art. XI-A, § 2 and Md. Code Ann. LOCAL GOVERNMENT. § 10-101, *et seq.* So not only were the Council's actions in derogation of the requirements of Charter Section 305, but they were also in violation of the remainder of the Charter and Maryland public law because no law can be created by resolution. *Id.*

Plaintiffs have made a logical and cogent case that CR-123-2021 should not be the law. *See Verified Complaint.* As set forth in the Verified Complaint and this

Memorandum, the Defendant's use of CR-123-2021 is illogical and violates the Charter and Maryland law. *See Verified Complaint*; Md. Const. art. XI-A, § 2 and Md. Code Ann. LOCAL GOVERNMENT. § 10-101, *et seq.* Taking the plain language of the Charter together with the plain language of Maryland's Express Powers Act and the Maryland Constitution, Plaintiffs have a clear and strong case and are likely to succeed on the merits of their case.

- b. The Plaintiffs will be irreparably harmed as they are voters and potential candidates. The deadline for declaring candidacy is February 22, 2022. If deadlines proceed while this case is ongoing, it will undoubtedly foreclose opportunities and impact voters before there is certainty as to essential issues.**

Plaintiffs will suffer irreparable harm if the Defendant is not prohibited from implementing the redistricting plan under CR-123-2021 and enforcing the February 22, 2022 deadline for voters to declare candidacy for County Council positions within the district boundaries proposed by CR-123-2021.

"In examining irreparable injury, the Circuit Court may consider 'the necessity to maintain the *status quo*' pending a final outcome." *LeJeune v. Coin Acceptors, Inc.*, 381 Md. 288, 301 (2004) (quoting *Lerner*, 306 Md. at 776; quoting *State Dep't of Health and Mental Hygiene*, 281 Md. at 554, 383 A.2d at 55)).

The *status quo* to be preserved in a preliminary injunction is "the last, actual peaceable, non-contested status which proceeded the pending controversy." *Eastside Vend Distributors v. Pepsi Bottling Group, Inc.*, 396 Md. 219, 247, 913 A.2d 50, 67 (2006)(citing *State Dep't of Health and Mental Hygiene v. Baltimore County*, 281 Md. at 556 n.9, 383 A.2d at 56 n.9). The last non-contested status is the prior redistricting plan in 2011 (CB-64-2011). *See Charter Section 305.*

Minimally, maintaining the *status quo* should also consist of delaying the February 22, 2022 filing deadline for County Council candidates until a determination is made by this Court which redistricting plan is in place.

Without immediate relief with respect to the redistricting plan and the candidates' filing deadline, Defendant will implement the redistricting consistent with CR-123-2021 which serves to significantly shift the district boundaries of the County and forecloses certain candidates from running in the districts in which they have campaigned and leaves the voters in a state of confusion as to which district they reside in and which candidates they can vote for. Once implemented, those measures are not easily undone without substantial harm befalling both candidates and voters (and the County). They will be subject to continuing uncertainty while a determination awaits a trial on the merits. If the candidate filing and withdrawal deadlines pass while the litigation is still ongoing, voters, candidates, and potential candidates will be irreparably harmed. *See* Affidavit of Robert E. Thurston attached hereto and incorporated herein as Exhibit A.

If candidates campaign in certain areas subject to changes, it would be wasted effort, and they may not even want to run in the districts in which they are or to which they would be assigned. For candidates and potential candidates, the very decision to declare one's candidacy will be in question, as it will be entirely unclear who a potential opponent is, where to campaign, and in which district they are eligible to declare candidacy. If candidates file their candidacy—or do not file—based on changing district boundaries as a result of this lawsuit, and their actions cannot be undone due to filing and withdrawing deadlines.

Similarly, voters in those affected areas would be precluded from certainty concerning the candidates to support. The voters will not know with any certainty who they are able to vote for, nor will they know for certain who the possible candidates are for their districts. Such measures will serve to deny voters choices in candidates, and voters could even end up with candidates who are subsequently placed in a different district and do not want to run in the particular district in which they are now assigned, but they cannot withdraw and are on the ballot regardless. After the filing deadline, the candidate's agency of whether to run or not is denied.

Opportunities will be incurably foreclosed and uncertain, which in turn harms candidates, supporters, and voters. Each will be forced to make decisions without being able to answer the most basic questions. There will be no recourse to correct this inevitable direction without injunctive relief to protect the *status quo*.

**c. The Plaintiffs Will Suffer Greater Injury if the Injunction Is Denied than the Defendant Will Suffer If It Is Granted.**

When the damage to Plaintiffs and the general voters of Prince George's County is weighed against the damage to Defendant, it is readily apparent that Plaintiffs will suffer greater harm if the requested injunctive relief is denied than would the Defendant if the relief is granted.

If the requested relief is denied, Defendant will continue with the implementation of the redistricting proposed under CR-123-2021 and the correlative voters' declaration for candidacy deadline will remain in place for February 22, 2022, and such measures will be difficult, if not impossible, to undo. As discussed above, candidates will declare their

candidacy for districts in which they may be foreclosed from running and will be running against undetermined opponents, and voters will be left confused and uncertain which district they live in and which candidates to support or vote for.

Similarly, even the County will suffer harm if injunctive relief is not granted. The County will likely be injured if its voting public approaches an election with uncertainty as described. Moreover, confusion concerning district boundaries and respective deadlines for filing and withdrawing candidacy represents a logistical nightmare, one that can be easily avoided by enjoining the effectuation of the redistricting plan under CR-123-2021.

On the other hand, the County will likely suffer little to no harm if the filing deadline is delayed and the *status quo* districts are maintained. There would be no substantial difference to the County if the filing deadline is delayed and/or if the Commission's Plan were implemented. Plaintiffs are seeking both. Accordingly, the "balance of convenience" overwhelmingly tips in favor of Plaintiffs.

**d. The Public Interest Is Best Served by Granting the Injunctive Relief.**

Consideration of the public interest favors granting a temporary restraining order and preliminary injunction in this case. The very nature of Plaintiffs' position is that they are members of the voting public in Prince George's County who are aggrieved by the Defendant's action in improperly implementing CR-123-2021. The Council improperly attempted to legislate in contravention of the law, thereby depriving the voters of Prince George's County of the proper process along with confidence in the redistricting plan and certainty in the upcoming election process. The public deserves transparency, and the

public deserves input and a right to redress, and the Council foreclosed all of this from them by its actions.

Most importantly, it is essential the voting public has confidence and certainty in the integrity of the electoral process, including redistricting. More than anything, the public must have trust and be fully informed in all matters in determining its representatives. It is unquestionable that the public interest can only be served if the relief requested is granted. Otherwise, the public's interest in the candidacy, candidates, and even the very district in which they reside will be in question, and such questions on critical matters such as voting and elections cannot be taken as trivial. Certainty can only be known upon the resolution of this lawsuit; only then should filing deadlines be imposed or district boundaries changed.

**V. Conclusion.**

For all of the foregoing reasons, Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction should be granted, and Plaintiffs respectfully request that this Honorable Court:

- a) Grant Plaintiffs an injunction and enjoin Defendant, Prince George's County from:
  - i. Implementing the redistricting plan provided under CR-123-2021;
  - ii. Enforcing February 22, 2022 as the filing deadline for candidates for County Council until such time as a final judgment has been made by this Court as to the merits of this action; and

b) Grant such other and further relief as this case and the cause of justice requires.

Respectfully submitted,

By: 

Matthew G. Sawyer (CPF 1506160278)  
The LAW OFFICES OF  
MATTHEW G. SAWYER, LLC  
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P: 301-244-9151  
E: Matthew@MSawyerLaw.com  
*Counsel for Plaintiffs*

# EXHIBIT A

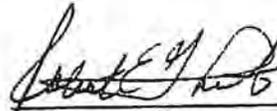


6. My decisions regarding who I vote for and whether I choose to run for a councilmember position will be affected by the outcome of the instant lawsuit, and I will suffer harm if I do not have certainty with respect to the issues raised in the lawsuit.

7. Such harm will be irreparable unless the Court enjoins the County from implementing the redistricting proposal under CR-123-2021 and enjoins the County from enforcing the February 22, 2022 deadline to declare candidacy.

8. I have read and verified the Verified Complaint for Declaratory Judgment and Writ of Mandamus and for a Temporary Restraining Order and Preliminary Injunctive Relief, and I have read the Motion for Temporary Restraining Order and Preliminary Injunction, and its supporting Memorandum, and I agree with the factual allegations and conclusions contained therein.

I HEREBY CERTIFY under penalties of perjury that the statements set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Robert E. Thurston

**From:** [Clerk, Snoddy \(Shaw, Malcolm R.\)](#)  
**To:** [Kumar, Rajesh A.; matthew@msawyerlaw.com](#)  
**Subject:** FW: CT201201X CAL22-01728 - Hearing via ZOOM Friday, January 28, 2022 at 1:30pm Judge William A. Snoddy, Presiding  
**Date:** Wednesday, January 26, 2022 11:44:49 AM

---

Good afternoon Counsel,

Please find in the forwarded message below the zoom information to appear virtually on Friday, January 28, 2022 at 1:30 before Judge Snoddy for a TRO hearing in Case No. CAL22-01728, Thurston v. Prince Georges County.

Best,

**Malcolm R. Shaw**

Law Clerk to the Honorable William A. Snoddy  
Circuit Court for Prince George's County  
Seventh Judicial Circuit of Maryland  
14735 Main Street, Room M2405  
Upper Marlboro, Maryland 20772  
(301)952-3809 (phone)  
(301)574-8390 (fax)  
[mrshaw1@co.pg.md.us](mailto:mrshaw1@co.pg.md.us)

**From:** RemoteHearings7 <RemoteHearings7@co.pg.md.us>  
**Sent:** Wednesday, January 26, 2022 7:46 AM  
**To:** judges8@yahoo.com  
**Cc:** judges8@yahoo.com  
**Subject:** CT201201X CAL22-01728 - Hearing via ZOOM Friday, January 28, 2022 at 1:30pm Judge William A. Snoddy, Presiding

**The highlighted case has been added to this link.**

Circuit Courts is inviting you to a scheduled Zoom meeting.

Topic: CT201201X CAL22-01728 - Hearing via ZOOM Friday, January 28, 2022 at 1:30pm Judge William A. Snoddy, Presiding

CT201201X Michael Anthony Womack  
**CAL22-01728 Thurston vs Prince Georges County**

Join Zoom Meeting  
<https://princegeorgescourts.zoom.us/j/82788966870>

Meeting ID: 827 8896 6870

Passcode: 024078

Dial by your location

+1 301 715 8592 US (Washington DC)

Meeting ID: 827 8896 6870

Passcode: 024078

Join by Skype for Business

<https://princegeorgescourts.zoom.us/skype/82788966870>

[judges8@yahoo.com](mailto:judges8@yahoo.com)

***Briana B. Bradley***

**Virtual Court Technologist**

**Circuit Court for Prince George's County**

**14735 Main Street**

**Upper Marlboro, MD 20772**

**(240)339-5940**

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IN THE CIRCUIT COURT FOR  
PRINCE GEORGE'S COUNTY, MARYLAND

ROBERT E. THURSTON,

Plaintiff

vs.

Civil Docket

PRINCE GEORGE'S COUNTY,

No. CAL22-01728

Defendant

OFFICIAL TRANSCRIPT OF PROCEEDINGS

(Hearing)

Upper Marlboro, Maryland

Friday, January 28, 2022

BEFORE:

THE HONORABLE WILLIAM A. SNODDY, ASSOCIATE JUDGE

APPEARANCES:

For the Plaintiff:

MATTHEW SAWYER, ESQUIRE

For the Defendant:

RAJESH KUMAR, ESQUIRE

Transcribed from digital video recording by:

Patty English, CET 843

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11		
12	WITNESSES:	DIRECT: CROSS: REDIRECT: RECROSS:
13	For the Plaintiff:	
14	(None called.)	
15	For the Defendant:	
16	(None called.)	
17	EXHIBITS:	IDENTIFICATION: EVIDENCE:
18	For the Plaintiff:	
19	(None entered.)	
20	For the Defendant:	
21	(None entered.)	
22		
23		

1                                    P R O C E E D I N G S

2            (On the record - 1:26:09 p.m.)

3                    THE DEPUTY CLERK: Now calling number 8 on  
4 the docket, CAL22-01728, Thurston v. Prince George's  
5 County.

6                    MR. SAWYER: Good afternoon, Your Honor.  
7 Matthew Sawyer on behalf of the Plaintiffs, Robert  
8 Thurston, Stephanie Stullich, Stanley Holmes and John  
9 Perkins.

10                   MR. KUMAR: Good afternoon, Your Honor. Raj  
11 Kumar on behalf of Prince George's County.

12                   THE COURT: All right. So, preliminarily, I  
13 guess I'll ask since the County is here, I don't know  
14 what you all, what the intention is. Did you all want  
15 to have a hearing, essentially, on a preliminary  
16 injunction since the County is here and represented as  
17 opposed to a temporary restraining order? This at  
18 least to me appears to be a legal issue, but I don't  
19 know if you all have any disputes regarding the facts.

20                   Are there facts that you all are willing to  
21 agree to where we can do this whole thing today, or is  
22 this going to require witnesses and testimony?

23                   MR. SAWYER: Well, Your Honor, for the  
24 Plaintiffs we came with witnesses and prepared for  
25 testimony. That said, I would imagine that Counsel and

1 I could probably come up with, if there are any factual  
2 disputes, we could probably stipulate to those, I would  
3 imagine. I don't know that, obviously.

4 MR. KUMAR: Your Honor, the County's position  
5 is that what the Court indicated this is a legal  
6 question. I think the argument can be based on what is  
7 in the complaint. Factually, nobody's disputing the  
8 legislation that amended the charter. There's a legal  
9 dispute as to what that means, but --

10 THE COURT: Okay. So that's what I want to  
11 get at. So there's no issue regarding standing of the  
12 Plaintiffs. There's no issues regarding the facts  
13 about how the charter -- not the charter, but regarding  
14 how the redistricting was done and the redistricting  
15 law as -- and I'm, just put that in quotation marks --  
16 that's on the books now. There's no dispute about how  
17 all of that occurred based upon the complaint.

18 MR. KUMAR: You mean Section 305 of the  
19 charter?

20 THE COURT: No, no. I'm saying in terms of  
21 the factual basis for the complaint, there's no dispute  
22 about the factual basis for the complaint. There's  
23 just a dispute about the legal interpretation of  
24 Section 305.

25 MR. KUMAR: I would agree with that because

1 the CR-123 outlines exactly what the council did in  
2 adopting the plan and there is no dispute that we did  
3 that.

4 THE COURT: Okay.

5 MR. KUMAR: And I don't, I haven't seen that  
6 in the complaint because it based on public notice and  
7 a hearing.

8 THE COURT: Okay. So we can do the whole  
9 thing here and now. There won't be a need for some  
10 later trial. And if someone wishes to appeal it, they  
11 can take it from the final judgment that will be issued  
12 today.

13 MR. KUMAR: I would agree with that because  
14 this is a complaint of declaratory judgment and I'm  
15 prepared to argue the central legal questions which I  
16 believe overlap with the four -- there are four counts,  
17 or five counts, and I believe two or three of them  
18 overlap with the same remedy.

19 Obviously, my interpretation what's before  
20 the Court is the charter amendment, the interpretation,  
21 and then subsequently the February 22nd filing  
22 deadline.

23 THE COURT: Okay.

24 MR. SAWYER: Your Honor, I just want to --  
25 I'm not quite clear exactly on what the Court was

1 asking.

2           THE COURT: Well, so here's the deal. The  
3 council, I don't know if they have witnesses for today.  
4 If this is a preliminary injunction I would do it, but  
5 it would only be something that would last until  
6 there's a final hearing. Under the rule, if the  
7 parties agree and if I say, we can advance everything  
8 to today and if it's essentially a legal question then  
9 there can just be legal argument. I don't need to hear  
10 witnesses if there's no dispute about the facts. And  
11 what I hear from Mr. Kumar, he's not disputing the  
12 facts that you allege.

13           So the issue is, is the passage of the  
14 redistricting plan in its current state valid based  
15 upon what you contend and based upon what the County  
16 contends? So the issue is, am I going to hear legal  
17 argument or am I going to hear witnesses and then have  
18 to come back later? And what I'm hearing is based upon  
19 if it's just going to be a legal argument, I can  
20 advance the whole thing today. There is no need for a  
21 later trial. It will be a permanent injunction or it  
22 won't be.

23           MR. SAWYER: Your Honor, I'd want to consult  
24 with my clients on that. We were prepared for a  
25 temporary restraining order hearing as well as possibly

1 a preliminary injunction.

2 THE COURT: Right.

3 MR. SAWYER: That said, it is a legal  
4 argument. I do believe it is indeed a legal argument.  
5 There may be some areas of the legal argument that  
6 aren't before the Court right now that we were -- I was  
7 preparing to file a motion for summary judgment and  
8 then a motion to expedite that summary judgment.

9 So I would rather, at this point, have more  
10 of an opportunity to fully elucidate --

11 THE COURT: Okay. So, well, I'm going to  
12 tell you one of the problems you have. Even if I do  
13 what you're asking now, if you file a motion for  
14 summary judgment, he has time to respond. One of the  
15 things you haven't done is you haven't brought in the  
16 Board of Elections. Because you're asking for -- the  
17 County doesn't control the filing deadline. You  
18 wouldn't meet the filing deadline based upon what  
19 you're trying to do. So I can't do anything about the  
20 filing deadline under the case as it is now.

21 MR. SAWYER: Your Honor, I'm not quite clear  
22 that the County doesn't have some control over the  
23 filing --

24 THE COURT: It does not. The County Board of  
25 Elections is a creature of the State of Maryland. The

1 deadline for election filings that's a State issue.  
2 That's not a County issue, so the County can't change  
3 that.

4           MR. KUMAR: And also, Your Honor, for what  
5 it's worth, the Maryland Court of Appeals has opined  
6 twice, three times, since 1966 and onward, most  
7 recently in 2018 that neither the courts nor the Board  
8 of Election has any discretion in the filing deadline.  
9 It must be adhered to, and the relief that is being  
10 sought is to enjoin the County from enforcing the  
11 deadline so that as a matter of law they cannot prevail  
12 in the merits on.

13           THE COURT: Well, that I can tell you, I  
14 can't tell the County to do anything about the filing  
15 deadline.

16           MR. SAWYER: Well, Your Honor, we would argue  
17 that this was a problem that was created by the County,  
18 so to the extent that there's an issue with the Board  
19 of Elections that is -- that's their problem to --

20           THE COURT: No. You are the Plaintiff. You  
21 have to bring in all of the -- because if no one  
22 complained it would be what it is, but you are  
23 responsible for bringing in whatever parties you need  
24 to advance your case. I'm telling you that because  
25 election cases get advanced for appeals purposes we can

1 resolve it today one way or the other, and you all can  
2 go wherever you need to go to get a further  
3 determination if someone doesn't agree with what I do  
4 here today.

5           But Mr. Kumar's saying the County doesn't  
6 dispute the facts you allege, and at bottom the issue  
7 is whether it's appropriate to pass the redistricting  
8 plan via a resolution or is a law required. Once  
9 that's determined that resolves all of the other issues  
10 as I see it.

11           MR. KUMAR: I would agree with that  
12 assessment, because the sole question here and all of  
13 the counts are based on is premised on CB-55 of 2012  
14 and Question A under CB-56 that was placed to the  
15 voters and subsequently ratified and an election was  
16 certified after that. And the charter was amended  
17 pursuant to that Question A that was ratified. That is  
18 the law.

19           The case from the Court of Appeals from  
20 Maryland says once the question is ratified, it is an  
21 effect of law. The dispute here is the interpretation  
22 as to whether what Mr. Sawyer is saying is that because  
23 the charter says --

24           THE COURT: Well, we'll get into --

25           MR. KUMAR: Yeah. Fair enough.

1           THE COURT: Yeah. We won't get into the  
2 argument right now. I'm just trying to, you know, and  
3 we're losing a lot of time here, but I'm just trying to  
4 get to can we resolve this today. I mean I think and  
5 maybe it's just what I'll do, I'll just say we'll do it  
6 this way.

7           Mr. Kumar says he doesn't dispute what you  
8 allege in your complaint. It is a legal question. The  
9 Court finds it's a legal question. So what I prefer to  
10 do and what I think is best for all of you is that I  
11 hear your legal arguments regarding why what the  
12 council did violates the law, and I'll hear from the  
13 council as to why what they did is appropriate under  
14 the law.

15           So that's my determination and if you all  
16 disagree with that you can take it up with higher  
17 authority.

18           All right, so I'll hear from you, Mr. Sawyer.

19           MR. SAWYER: Okay, Your Honor. Thank you.  
20 So as the Court is aware, this case is a result of the  
21 redistricting process that was undertaken by the County  
22 Council. The state law puts together the framework for  
23 the redistricting process and it provides the express  
24 powers under which counties can enact legislation and  
25 form a charter.

1           It's essentially, and the Maryland case law  
2 has dictated this as well, it's essentially a local  
3 constitution. Accordingly, since 1970, Prince George's  
4 County has been a charter county governed by an elected  
5 executive and a nine-member County Council. As I  
6 mentioned, these certain powers are expressly delegated  
7 to the County via the Express Powers Act which is in  
8 Title 10 of the Local Government Article.

9           Section 10-102 and 10-202 provide that the  
10 County can enact local laws concerning the express  
11 powers that were delegated to them by the State.  
12 Subtitle 3, Section 10-306 provides, of the same Local  
13 Government Article, provides that a county may create  
14 and revise election districts and precincts.

15          Accordingly, the Prince George's County charter  
16 adopted language in Section 305 that outlines the  
17 process for redistricting in Prince George's County.  
18 This process was undertaken recently in 2021, which is  
19 what brings us here today. A politically independent  
20 commission was appointed. That politically independent  
21 commission deliberated at length over the plan, they  
22 came up with a plan and submitted that plan to the  
23 County Council.

24          Section 305 holds that so long as the Council  
25 passes no other law changing the plan -- that's one

1 law, the law changing the plan -- that that plan, the  
2 commission's plan was to become law -- that's the  
3 second law -- as of the last day of November as an act  
4 of the council. That's law number 2. There's no doubt  
5 that these are two different laws. There's a law  
6 changing the proposal and then there is a law enacting  
7 the plan of the commission. Those are two separate  
8 laws.

9           In this situation, the council had other  
10 plans. They attempted to change the plan, the  
11 commission's plan or law number 1, but they did so via  
12 the resolution and that resolution was CR-123-2021. I  
13 may refer to that as simply the resolution.

14           However, you can't enact a law by resolution.  
15 Section 317 of the charter is abundantly clear. It  
16 states that the council shall enact no law except by a  
17 bill. Section 1017(h) of the County charter states  
18 that the word "shall" shall be construed as mandatory.  
19 There's no wiggle room. The council passed no law  
20 changing the proposal. They passed a resolution  
21 changing the proposal.

22           Now the County's undoubtedly going to raise  
23 the issue of the 2012 amendment that which is CB-55-  
24 2012. I may refer to that as CB-55 or just the  
25 amendment. And that amended language states that such

1 law shall be adopted by resolution of the County  
2 Council upon notice and public hearing.

3           Now I want to read that in context. Again,  
4 it states, Section 305 states, "If the council passes  
5 no other law" -- again, that's law number 1 changing  
6 the proposal -- "changing the proposal, then the plan  
7 as submitted shall become law" -- law number 2 --  
8 "enacting as the last day of November as an act of the  
9 council. Such law" -- it doesn't say laws, it says law  
10 -- "shall be adopted by resolution of the County  
11 Council upon notice and public hearing."

12           We believe that this amended language is  
13 invalid. But first and foremost, you have to ask which  
14 law is it referring to? There are undoubtedly two laws  
15 that are referenced in Section 305 -- the law enacting  
16 the proposal, which is a deliberated plan by a  
17 politically independent body and it is eventually  
18 passed by the Council, or the law changing the  
19 proposal. That law was not deliberated by an  
20 politically independent commission. It was only  
21 considered by the Council. There's no check or no  
22 balance

23           Even according to the County's own usage of  
24 the amended language, which again we believe is invalid  
25 on constitutional grounds, the law that is referenced

1 in such law shall be adopted by resolution of the  
2 County Council is only referring to law number 2. Law  
3 2 is the commission plan to be enacted by the council.  
4 That was already vetted, already deliberated. That  
5 could be potentially, according to the County's  
6 reading, if CB-55 is not invalid could, in theory, be  
7 adopted by resolution -- although again we would  
8 strongly state that we believe it's invalid -- but law  
9 1 cannot.

10           The law changing the proposal, the completely  
11 unvetted, completely undeliberated law changing the  
12 proposal can't be passed via resolution somehow. Law 1  
13 is required to be deliberated and follow the normal  
14 course of legislation in the charter. That didn't  
15 happen. Instead, it was jammed through using the  
16 resolution, again with no check, no balance, done  
17 without executive approval and over massive public  
18 outcry and opposition.

19           On November 16th, of the passage of the  
20 resolution, over 150 people testified. Not one person  
21 said this was a good idea. Not one person testified in  
22 support of this resolution. Council didn't listen.  
23 I'm not even sure they heard. If one were to have  
24 watched the November 16th hearing, you would see a  
25 variety of distracted people supposedly listening.

1           It didn't seem right to anyone watching that  
2 hearing or the October hearings that what happened that  
3 the council could take unilateral action like that.  
4 And it didn't seem right, precisely because it wasn't.  
5 Not only that, we believe again that the amended  
6 language of Section 305, the CB-55 language that was  
7 passed in 2012, we believe that that is invalid.

8           The use of a resolution is entirely invalid.  
9 The County's powers to legislate the express powers are  
10 not thereafter unlimited according to the Local  
11 Government Article. Its powers are still restricted to  
12 the extent that they are not preempted or in conflict  
13 with public general law. That's from Section 10-  
14 206(b).

15           The Express Powers Act enacts, authorizes the  
16 County to enact legislation concerning redistricting.  
17 It doesn't say that a county can do this or that the  
18 council can do this on a whim. It's a law. Laws have  
19 checks and balances. Section 305 authorizes a  
20 resolution, albeit only for the passage of what I would  
21 call law number 2, the commission's plan, not the  
22 passage of a law changing the proposal.

23           I think if you go into Section 1017,  
24 according to the County's reading of 2012, the entire  
25 charter would basically have to be flipped on its head

1 or redefined. You go to the very definitions in 1017,  
2 Section 1017, 1017(d), the word "law" shall be  
3 construed as including all acts, public local laws,  
4 ordinances, and other legislative acts of the council.

5           Now the County may like to latch onto  
6 legislative acts, but the word "act" in further in  
7 section (b), the word act, ordinance, public local law,  
8 and legislative act when used in connection with any  
9 action by the council shall be synonymous and shall  
10 mean any bill enacted in the manner and form provided  
11 in this charter.

12           Again, Charter Section 317 could not be  
13 clearer. Every law of the County shall be styled, be  
14 it enacted by the County Council of Prince George's  
15 County, Maryland, the council shall enact no law except  
16 by bill. The effects of using a resolution to jam  
17 through legislation are vast. I'm not even sure what  
18 the check on the County restructuring or, excuse me,  
19 the council restructuring the charter entirely to be  
20 via resolution. I don't know what would be the  
21 restrictions on that.

22           There's no check on the power of the council,  
23 simple up or down vote. Something as essential as  
24 redistricting and dealing with elections not only does  
25 it violate the charter, it goes against common sense.

1 It would give the County Council unfettered access to  
2 change the districts however they wanted. There's  
3 nothing to stop a majority of the council from  
4 redistricting it in whatever way suits them politically  
5 which is exactly what happened here. It's like the old  
6 adage warning against letting foxes guard the henhouse.  
7 It just doesn't make sense. It let's politicians  
8 unilaterally determine who can and can't vote for them  
9 and who can and can't run against them.

10           And if there's any doubt that any of this was  
11 all political and politically motivated, the council  
12 chair Calvin Hawkins was quoted in the Washington Post  
13 as saying, "I'm not acting like I'm naive. I know this  
14 is a political process. Everyone knew where everyone  
15 lived." This was a purely political action that  
16 usurped the authorized power from the County Executive.  
17

18           As provided in Section 411 of the charter,  
19 the County Executive is provided with the power that  
20 states, "Upon the enactment of any bill by the council,  
21 with the exception of such measures made expressly  
22 exempt from the executive veto by this charter, it  
23 shall be presented to the County Executive within ten  
24 days for his approval or disapproval."

25           That didn't happen here. The County

1 Executive never gave her approval or a veto on this  
2 resolution. Every bill except those that are expressly  
3 exempt, every "potential law" is subject to the  
4 approval of the executive. Again, that did not happen.  
5 There was no executive approval or veto.

6           Section 305 also raises constitutional  
7 concerns. Maryland case law holds again that a charter  
8 is like a local constitution. It fixes -- I'm reading  
9 from *Atkinson v. Anne Arundel County* -- fixes the  
10 framework for the organization of the county  
11 government. It established the agencies of local  
12 government and provides for the allocation of power  
13 among them. These are foundational issues. These are  
14 constitutional issues. Bedrock issues of separation of  
15 powers, due process and legislative process with checks  
16 and balances.

17           Under separation of powers, Charter Section  
18 102 provides for separation of powers between the  
19 executive and the legislature. Charter section, excuse  
20 me, Article 8 of Maryland's Constitution Declaration of  
21 Right also provides for separation of powers in  
22 government. This action usurps the power of the  
23 executive to review and veto.

24           I'm going to read from Charter Section 102.  
25 "The powers mentioned in the preceding section shall be

1 exercised only by the County Council, the County  
2 Executive and other agents, officers and employees of  
3 the County." These are the powers that are provided to  
4 the County. And it says, "acting under their  
5 respective authorities," so they are only allowed to  
6 act within the authority of what has been provided by  
7 the charter.

8           The charter does not provide the council the  
9 ability to act as the executive and to pass laws.  
10 Charter Section 402, "Executive Powers and Duties. All  
11 executive power vested in Prince George's County by the  
12 Constitution and the laws of Maryland and this charter  
13 shall be vested in the County Executive." Not the  
14 County Council, in the County Executive.  
15 Maryland Constitution Article 8 that the legislative,  
16 executive and judicial powers of government ought to be  
17 forever separate and distinct from each other and that  
18 no person exercising the functions of one said  
19 department shall assume or discharge the duties of any  
20 other. It's exactly what happened here. It's exactly  
21 what the amended language of Section 305 provides for.

22           There's case law --

23           THE COURT: Let me -- so. Well, this is -- I  
24 just want to -- is this an argument in the alternative?

25           MR. SAWYER: No, Your Honor.

1 THE COURT: All right, so you're not arguing  
2 that in no way can -- it's not your position then that  
3 it can be read that the resolution applies to the law,  
4 whether it be the new law or the redistricting plan  
5 that has not been changed by a new law. You're not  
6 saying the resolution applies to that?

7 MR. SAWYER: I'm sorry. (Indiscernible  
8 1:54:47), Your Honor.

9 THE COURT: So, for instance -- I'll make it  
10 more clear. If the council had not amended the  
11 redistricting plan and it became law automatically by -  
12 - it became law by operation of law based upon the  
13 charter, are you saying that then the council could not  
14 have adopted that by resolution since it --

15 MR. SAWYER: According to the amended  
16 language of Section 305 that is how the County is  
17 reading that. And I would say that if -- again, Your  
18 Honor --

19 THE COURT: I don't think the County is  
20 reading it that way. They're actually not reading it  
21 that way.

22 MR. SAWYER: I'm sorry. Then maybe I'm  
23 misunderstanding, Your Honor.

24 THE COURT: I'm saying in the event that the  
25 council did not amend the redistricting plan and it

1 became law by operation of law, could the council then  
2 under 305 adopt the redistricting plan by resolution?  
3 That's not your argument?

4 MR. SAWYER: That is if CB-55, if the amended  
5 language is considered valid then that would be the  
6 argument, yes. That's correct, Your Honor.

7 THE COURT: Right. Okay, so and what you're  
8 arguing now, and that's why I'm asking, is this an  
9 alternative argument?

10 MR. SAWYER: Well, there are two arguments,  
11 Your Honor. Well, there are actually three arguments,  
12 Your Honor. There's the last argument that the Court  
13 just mentioned, but there's also the argument again  
14 that these are two laws. There are two laws that are  
15 referenced in Section 305 and the amended language  
16 references one law. The amended language is talking  
17 only about the law of the commission's plans becoming  
18 law as an act of the council.

19 THE COURT: Okay, but that's where -- so, and  
20 that's why I'm asking for clarification, because what  
21 you're -- in one what you're saying now is CB-55 is  
22 invalid. They can't do it by resolution. But --

23 MR. SAWYER: That's correct, Your Honor.

24 THE COURT: -- at the same time, you're  
25 saying the resolution they can do it if it means X.

1 And that's why I was just asking if the argument you're  
2 making now is alternative.

3 MR. SAWYER: I think -- I apologize, Your  
4 Honor. I think I was misunderstanding the Court.  
5 That's correct. So it's alternative in the sense that  
6 if the amended language of 305 is considered valid,  
7 it's only valid as to the law of the commission's plan.

8 THE COURT: Okay.

9 MR. SAWYER: Although -- yeah.

10 THE COURT: All right. I'm sorry. Go ahead.  
11 You can continue.

12 MR. SAWYER: There's also case law for the  
13 separation of powers, Your Honor. It says if an office  
14 -- and this is from Murphy v. Yates. It says if an  
15 office is created by the --

16 MS. STULLICH: We'll see.

17 MR. SAWYER: Excuse me?

18 THE COURT: That -- I don't know.

19 MR. SAWYER: Ms. Stullich, could you -- I  
20 think you're unmuted, Ms. Stullich.

21 THE COURT: Yes.

22 Ms. Stullich, if you could mute yourself.  
23 Thank you.

24 MR. SAWYER: It says if an office is created  
25 by Constitution and specific powers are granted or

1 duties are imposed by the Constitution, although  
2 additional powers may be granted by statute, the  
3 position can neither be abolished by statute nor  
4 reduced to impotence by the transfer of duties  
5 characteristic of office to another office created by  
6 the legislature.

7           And that's also again, it goes to the  
8 separation of powers that is in Article 8 of Maryland's  
9 Constitution.

10           In *Smiley v. Holm* it says, the United States  
11 Supreme Court looking at similar issues, "if the local  
12 legislation calls for laws to be approved by the  
13 executive as the authority is conferred for the purpose  
14 of making laws for the State, it follows in the absence  
15 of an indication of a contrary intent -- and that's in  
16 the Constitution itself -- that the exercise of the  
17 authority must be in accordance with the method which  
18 the State has prescribed for a legislative enactment.

19           "We find no suggestion in the federal  
20 constitutional provision an attempt to endow the  
21 legislature of a State with power to enact laws in any  
22 other manner than that which the Constitution of the  
23 State has provided that law shall be enacted." Here,  
24 the council assumed the executive's power under Section  
25 411, and the council exceeded its respective authority.

1 This is not the legislation process, the legislative  
2 process that was detailed in the charter. This is  
3 legislation by fiat.

4           There are also due process concerns here.  
5 Under Article 24 of Maryland's Constitution, the  
6 County's action deprive the voting public, as the Court  
7 will hear, without legislative due process under the  
8 charter. It was wrong. The public's made their voices  
9 heard. This isn't a resolution concerning trash pickup  
10 days or something benign. This is talking about  
11 matters that are foundational to the democracy. This  
12 is about elections and the ability for elected  
13 officials to manipulate the lines of their district  
14 without any check and without any balance.

15           I don't think under any reading under any  
16 bicameral or government system there is this type of  
17 unfettered right to draw boundary lines. And it's not  
18 what the charter has intended and it goes against the  
19 totality of the charter. It goes against the totality  
20 of the Constitution of Maryland. It goes against the  
21 totality of the Constitution of the United States and  
22 everybody's common-sense understanding of how elections  
23 are supposed to take place.

24           This leads us to why we're here today. We  
25 filed a four-count complaint. Count 1 for a

1 declaratory judgment declaring the commission's plan to  
2 be law; Count 2, a writ of mandamus mandating  
3 commission plan B law; and Count 3, declaratory  
4 judgment declaring that CB-55, the 2012 amendment, is  
5 invalid; and Count 4 for injunctive relief for a TRO  
6 and preliminary injunction, which is again why we're  
7 here today, this afternoon.

8           THE COURT: All right.

9           MR. SAWYER: For both -- Your Honor, I'm  
10 still not quite clear whether the Court is wanting to  
11 put on evidence as far as the irreparable hardship and  
12 so on, the criteria under the temporary restraining  
13 order or --

14           THE COURT: So we're not, so this is not a  
15 temporary restraining order because and that's --

16           MR. SAWYER: That's fine, Your Honor.

17           THE COURT: -- in a situation where the other  
18 side isn't present.

19           MR. SAWYER: Understood, Your Honor. So I  
20 mean as far as the legal argument is concerned that  
21 would be the legal argument.

22           THE COURT: All right, thank you.

23           All right, Mr. Kumar.

24           MR. KUMAR: Thank you. Good afternoon and  
25 may it please the Court and Counsel.

1           This complaint amounts to it is nine years,  
2 two months and 22 days late as of today's date, and let  
3 me explain what I mean by that. In 2012, there was CB-  
4 55 of 2012 that was the mechanism to place Question A  
5 on the ballot. The phraseology of the question was in  
6 CB-56, which I submitted to the Court in my list of  
7 exhibits.

8           In that bill, when it made it to the ballot  
9 it was certified. In order for it to make it to the --

10           THE COURT: Hang on. Let's do this also, I  
11 guess.

12           Did you, Mr. Sawyer, did you get County's  
13 exhibits?

14           MR. SAWYER: Yes, Your Honor. I did.

15           THE COURT: Do you have any objection to the  
16 Court receiving any of those exhibits?

17           MR. SAWYER: As far as them being --

18           THE COURT: For me to consider them.

19           MR. SAWYER: Your Honor, yes. That would  
20 have --

21           THE COURT: Because he's referencing  
22 something, CB-56.

23           MR. SAWYER: Yes. As far as the statutory,  
24 the statutes, Your Honor, I would have no objection to  
25 that. I believe there were some political campaign

1 notices or something like that. I intend to object to  
2 those.

3 THE COURT: Those, I guess, the political  
4 campaign stuff, is that necessary for your argument,  
5 Mr. Kumar?

6 MR. KUMAR: No. I was just going to -- if we  
7 were doing the TRO, I was going to use that to rebut  
8 the affidavit of Mr. Thurston. But I'm not -- I don't  
9 need that anymore.

10 THE COURT: Okay. So for the statutory  
11 preservations, those exhibits will be admitted. What  
12 numbers are those?

13 MR. KUMAR: Your Honor, on the exhibit list  
14 they're not listed by number but by page number. I  
15 consolidated all the exhibits and they have a table of  
16 contents.

17 THE COURT: Okay.

18 MR. KUMAR: And they're titled by statutory  
19 numbers. So I would agree for purposes of this hearing  
20 I will not use the exhibit that starts on page 32 and  
21 the exhibit that starts on page 34 because those are  
22 the two things regarding the affidavit from Mr.  
23 Thurston. I don't need those for purposes of where we  
24 are today.

25 THE COURT: Right. With those being out of

1 consideration, do you have any objection? Because what  
2 I'm going to do is, I'm going to -- that packet, I'm  
3 just going to make that one exhibit and I won't --

4 MR. KUMAR: Okay.

5 THE COURT: -- consider pages 32 and 34.

6 MR. KUMAR: No problem.

7 THE COURT: Mr. Sawyer, are you agreeing with  
8 that?

9 MR. SAWYER: Your Honor, they're marked up.  
10 I would prefer to have an opportunity to mark them up  
11 as well, if the Court's going to receive them as  
12 exhibits.

13 THE COURT: Okay. Well, if CB- -- it's a  
14 statutory provision?

15 MR. KUMAR: It is.

16 THE COURT: I can look it up. I don't need  
17 it. All right, I don't need the exhibit.

18 MR. KUMAR: Everything -- yeah.

19 THE COURT: We'll just go -- if they're  
20 statutory provisions I will look at them.

21 MR. KUMAR: Yes.

22 THE COURT: All right, thanks.

23 MR. KUMAR: And since that pause, Your Honor,  
24 I agree with the Court. I have no objections to what  
25 is being requested in the complaint as far as counts.

1 Phraseology and accusatory stuff I don't want to  
2 dispute, necessarily, that for this hearing, but I just  
3 want to make sure that we understand each other that I  
4 understand the complaint's that been filed and --

5 THE COURT: I'm only considering the facts.

6 MR. KUMAR: Correct. Correct.

7 THE COURT: So in terms of for the complaint,  
8 I'm only considering the facts. Everything that's in  
9 the counts, that has to be proven to the extent that --  
10 but -- and then really only considering -- I'm not  
11 considering the argumentative facts, only considering  
12 the facts about days, times --

13 MR. KUMAR: Thank you.

14 THE COURT: -- action taken.

15 MR. KUMAR: And thank you for that  
16 clarification and I agree.

17 THE COURT: All right.

18 MR. KUMAR: So with regard -- this whole  
19 case, in my opinion, based on the case law, follows and  
20 starts and ends with the CB-55. One, we know that it  
21 got ratified so I'm not going to waste the Court's time  
22 on that. What I want to focus on is the provision in  
23 the law that talks about when you have to challenge a  
24 question on the ballot. And that is on page, it starts  
25 on page 40 of my exhibit list that talks about the

1 Election Article, election law, what is qualified to go  
2 on a ballot, how it's done, and then you have to  
3 challenge it.

4           THE COURT: Okay, so let me say this and this  
5 might help you. I believe I can decide this issue  
6 without addressing the constitutional question that's  
7 been raised.

8           MR. KUMAR: Right.

9           THE COURT: So -- and under the law, where an  
10 issue can be decided without addressing a  
11 constitutional issue, the Court should just address  
12 that issue. So I think I can decide this case without  
13 addressing the constitutional issue. So I think we're  
14 left with the language as it is, and I can decide this  
15 case based upon the language in the charter as it is  
16 presently without addressing the constitutional issues  
17 that have been raised --

18           MR. KUMAR: Judge.

19           THE COURT: -- or what happened with CB-55.

20           MR. KUMAR: Oh, Judge, I'm not disagreeing  
21 with that. What I'm saying is that --

22           THE COURT: No, I'm just saying you don't  
23 have to get into the issue of whether CB-55 is valid or  
24 not.

25           MR. KUMAR: Okay, fair enough. I just want

1 to for the record only, I just want to make sure that  
2 under the Election Article a ballot question must be  
3 challenged within a certain time after it goes on the  
4 ballot. That was not done here. (Indiscernible  
5 2:07:44) question.

6           Now I agree with the Court, the language has  
7 now made it into the charter and the question then  
8 becomes what does it mean? When you look at the  
9 charter amendment language, I'll read the purpose  
10 clause. It says, "For the purpose of proposing an  
11 amendment to 305 of the charter to authorize  
12 legislative action." Legislative action is addressed  
13 in Section 1017 of the charter, and that is page 20 of  
14 my exhibit list.

15           MR. SAWYER: Your Honor, I'm going to object.  
16 This is -- the statute itself is unambiguous.  
17 (Indiscernible 2:08:24).

18           THE COURT: Right. I'm going to only rule  
19 based upon what's on the paper.

20           MR. KUMAR: No, no. I'm just responding to  
21 his argument that we can't do it by resolution. That's  
22 all I'm doing.

23           THE COURT: Okay.

24           MR. KUMAR: So in Section 1017, the amendment  
25 language was to authorize legislative action which is

1 what made it into the charter. So then -

2 MR. SAWYER: That's misquoting the amended  
3 language.

4 THE COURT: The language that's in the  
5 charter is in the charter, but let him make his  
6 argument. I'll give you an opportunity to rebut  
7 anything he says.

8 MR. SAWYER: I understand, Your Honor. But  
9 as far as misquoting the actual language that's in the  
10 charter, it should be (indiscernible 2:09:08).

11 THE COURT: Well, so here's the thing, Mr.  
12 Sawyer. I can read. So he can --

13 MR. SAWYER: Thank you, Your Honor.  
14 (Indiscernible 2:09:15).

15 THE COURT: Let him. He let you go through  
16 without interrupting, let him -- it's just -- it's an  
17 argument so he gets to make it.

18 MR. SAWYER: Understood, Your Honor.

19 THE COURT: And then you can say your side.

20 MR. KUMAR: So under 1017 of Definitions and  
21 Rules of Construction, it says that "the words act,  
22 ordinance, public local law and legislative act shall  
23 be synonymous and shall mean any bill enacted." So my  
24 argument is that when the language made it into the  
25 charter that such law shall be adopted by resolution,

1 what that means is that the County Council -- because  
2 that amendment went in to do exactly what is a dispute  
3 here.

4           Mr. Sawyer argues as the Court rightfully  
5 pointed out, which is a very interesting paragraph in  
6 his papers -- it's on page 7 of his memorandum, the  
7 full second paragraph -- he says the word "resolution"  
8 only applies to the law adopting the commission's plan,  
9 which goes to what the Court observed just now, which  
10 is he is agreeing that a law can be done by a  
11 resolution. Then he is saying, no, for purposes of my  
12 complaint, it can't be a resolution. And the reason  
13 for that is they don't want the -- they don't like the  
14 plan that the County passed. They want the  
15 commission's plan.

16           So for their purposes, a resolution is a law  
17 so long as it's the commission's plan. But it is not a  
18 law if it's the council's plan. So my argument with  
19 regard to the legal question is that the charter, and  
20 it says so in Section 1014 which is on page 20 of the  
21 exhibit of statutory parts that the charter, shall be  
22 liberally construed to that end; therefore, when you  
23 look at the charter, you look at all the provisions.  
24 Clearly, Section 317 predated the charter amendment  
25 language that caused that last sentence in 305 to

1 appear there. The legislatures knew it was there and  
2 they added the last sentence so that the council may  
3 pass a legislative redistricting act by resolution.

4           Mr. Sawyer argues there's two laws. The  
5 Court correctly points it out that if the council did  
6 nothing as of the last day of November by operation of  
7 law, without any resolution or anything being done, the  
8 commission's plans becomes the law. The last language  
9 in 305 was specifically added.

10           THE COURT: Can I ask you one question?

11           MR. KUMAR: Council -- yes.

12           THE COURT: Prior to the passage of CB-55-  
13 2012, when in the years since 1982, every ten years  
14 after there was a redistricting plan, if the  
15 redistricting plan adopted by a commission became law  
16 did the council still go through the bill process to  
17 adopt it?

18           MR. KUMAR: No. There are -- if you look at  
19 the section under -- there are one or two, I think one  
20 or two times where the council did not change the plan.

21           THE COURT: No, no. I'm talking about a  
22 situation where they didn't change the plan.

23           MR. KUMAR: That's what I'm saying.

24           THE COURT: Did they then pass a bill  
25 afterwards adopting the plan?

1 MR. KUMAR: No. No.

2 THE COURT: They just left it as it was?

3 MR. KUMAR: That's right. Because the  
4 charter was always interpreted that if you don't act on  
5 the commission's plan that is the plan that becomes the  
6 law.

7 THE COURT: Okay.

8 MR. KUMAR: And this is why that legislative  
9 history in CB-55 became important for our argument  
10 because, remember, in 2012 is when it occurred which is  
11 after we did the 2011 redistricting plan. And that is  
12 significant to the outcome of this case because there  
13 was no need to do this legislative amendment and having  
14 that last sentence there if it was not the intent for  
15 the council to adopt it by resolution, and that is  
16 exactly what got ratified. So we take the view that  
17 CR-123 did not violate the charter as an act of the  
18 council approving a plan.

19 And the other reason I want to mention with  
20 regard to 305, Mr. Sawyer makes a big deal over we  
21 rushed this through and we didn't have deliberate  
22 process. If you look at CR-123, which is in the  
23 exhibits, the first document, we followed every single  
24 procedure that is required for a bill. It was public  
25 notice. There was a public hearing. There were work

1 sessions.

2           And as Mr. Sawyer pointed out, the public  
3 came out in force against the council doing a different  
4 plan, and do you know why they did that? Because they  
5 were given the opportunity to view the plan. They saw  
6 the plan. They engaged. They were fully informed  
7 about what the council was doing. So this is kind of  
8 weird that they're taking the position that we hid the  
9 ball, we did something underhanded and we did not have  
10 public input and process.

11           When the Court looks at CR-123, it is fully  
12 documented with the actions of the council including  
13 the participation of the public. And by the way, this  
14 is one of the times where we've done a redistricting  
15 and it has been -- if there's something that came out  
16 of this pandemic everything was online. It's all  
17 stored online. There was no in-person hearing where it  
18 wasn't recorded or some meeting that wasn't recorded.  
19 Everything is documented fully.

20           So on the first question, we take the view  
21 that the Court should interpret the language in 305  
22 consistent with CB-55 and rule that the resolution is a  
23 valid law passed by the council pursuant to notice and  
24 public hearing, which was done. There's no dispute  
25 about that.

1           The second part is if you look at the last  
2 paragraph of CR-123, Your Honor, it states, and which  
3 goes to this complaint with the remedy they're asking  
4 for, it says that -- this is Section 3 of the resolve  
5 clause -- that the Clerk of the Council is hereby  
6 directed to transmit a certified copy of the plan to  
7 the Board of Elections on the day of adoption. That  
8 occurred.

9           We, meaning the council, doesn't have this  
10 plan anymore for implementation. Implementation is  
11 done through the Board of Elections and that is  
12 Election Article Section 2201. And it says there's a  
13 County Board of Elections in each county, which we  
14 know; each local board and its staff is subject to the  
15 direction and authority of the State Board and is  
16 accountable to the State Board for all actions  
17 regarding the implementation of the requirements of  
18 this Article.

19           The Board of Election implements the plan,  
20 meaning that they --

21           THE COURT: Well, I mean that just means that  
22 if someone goes to run for office, the Board has to  
23 follow what the plan says with respect to what district  
24 that person would be in. Not that they are responsible  
25 for --

1 I don't know who you are, sir. We have  
2 Marian. But don't make any gestures. All right.

3 That doesn't mean that they created it.

4 MR. KUMAR: No, no, no.

5 THE COURT: The issue here is the creation of  
6 the plan and whether that followed the County charter.

7 MR. KUMAR: No. I'm not disputing that.  
8 What I'm saying is that the relief that is being sought  
9 is to enjoin the County from implementing the plan.  
10 I'm not disputing that we created the plan.

11 THE COURT: Well, isn't the relief sought  
12 that the original, the commission's plan be the plan  
13 that is effective?

14 MR. KUMAR: What they're asking is to  
15 invalidate CR-123 because it was not done by a bill.  
16 The act of the council, they're saying, needed to be  
17 done by a bill.

18 THE COURT: Right.

19 MR. KUMAR: That's the -- and if the Court,  
20 they're saying that if the Court agrees that it had to  
21 be done by a bill then you -- invalidates your 123, and  
22 they're saying that you go back to the commission's  
23 plan. So --

24 THE COURT: Because the time has passed for  
25 the council to do something different.

1           MR. KUMAR: That's what they're saying. But  
2 what I'm saying is that the council took an act.

3           THE COURT: I guess what you're saying is I  
4 couldn't give them any relief because it -- but if I  
5 find that CR-123 is invalid and that the commission's  
6 plan is the plan, then that is the one that would have  
7 to go to the Board of Elections.

8           MR. KUMAR: Right. But what I'm saying, Your  
9 Honor, is that the commission's plan did not become law  
10 on the last day of November because the council took an  
11 act. The act that they took is to approve a different  
12 plan.

13          THE COURT: Right.

14          MR. KUMAR: The challenge here is that the  
15 plan, they're saying that the plan that was adopted or  
16 approved had to be done by a bill and, obviously, we  
17 are saying it can be done by a resolution.

18          THE COURT: No, and I understand that. I  
19 guess what I'm saying is there is a relief, I guess,  
20 that they're asking for and they can correct me if I'm  
21 wrong, but that is that I invalidate Council Resolution  
22 123. And by invalidating it, the commission's plan  
23 becomes law.

24          MR. KUMAR: Right.

25          THE COURT: The commission plan is law and

1 that is what the Board of Elections would have to  
2 follow.

3           MR. KUMAR: Right. But what I'm saying is  
4 that the relief that they're asking, which is a writ of  
5 mandamus because, remember, they're asking for a writ  
6 of mandamus and there are two types of mandamus. One  
7 is an administrative mandamus under the Rule 700. It  
8 is unclear. They obviously did not cite the rule so we  
9 have to agree that they're not seeking a mandamus under  
10 the 700 rules. And even if they were, it would not be  
11 applicable because it only applies to quasi-judicial  
12 matters under the 700 rules and the case law is clear  
13 on that. It's undisputed that that section doesn't  
14 apply to legislative actions.

15           Then you have common law writ of mandamus.  
16 Common law writ of mandamus which he doesn't articulate  
17 in his papers but he's saying writ of mandamus would  
18 mandate the commission's plan. We're saying that this  
19 Court couldn't do that either because there's  
20 discretion. When there's legislative discretion, a  
21 writ of mandamus to direct a legislative body to  
22 approve a plan or to mandate them to say this is the  
23 law is not permissible here. That's the distinction  
24 we're making with regard to their mandamus action.

25           What he's saying is when you -- so he wants -

1 - he's saying under the declaratory judgment act  
2 declare the rights of the parties, I guess, to say I  
3 declare CR-123 invalid; therefore, we revert back to  
4 the commission's plan. That's the way I understand it.  
5 I'm saying the Court can't go back and make the  
6 commission's plan become effective on the last day of  
7 November because there was an intervening act which is  
8 the council's discretionary prerogative to create a  
9 different plan.

10 THE COURT: Did they -- well, right. Okay.  
11 Okay, all right. I mean I hear your argument. Go  
12 ahead.

13 MR. KUMAR: Okay, yeah. But I do recognize  
14 what the Court is saying.

15 THE COURT: But he's saying, I guess, let me  
16 just say this.

17 MR. KUMAR: Yeah.

18 THE COURT: The Plaintiffs are saying that  
19 that action by the council was invalid.

20 MR. KUMAR: No, I understand.

21 THE COURT: Okay.

22 MR. KUMAR: Yes. Yes. They're making a  
23 procedural argument that the resolution was not a law.

24 THE COURT: Yes.

25 MR. KUMAR: (Indiscernible 2:23:10) charter.

1 And we all -- I presented my argument on 305 why it is,  
2 why that law can be adopted by resolution. So there we  
3 are on that part of it there.

4           With regard to the filing deadline, I think  
5 the Court's, Your Honor's already agreed that you have,  
6 you can't do anything about that. You can't enjoin the  
7 County from the February deadline. That's the State  
8 Board. And -- Court's indulgence one second.

9           I'm just looking at my notes to make sure I  
10 didn't miss what I wanted to say on this, the  
11 resolution part.

12           And, yes. So I want to go back and preserve  
13 the record on this point that is central to our case.  
14 We do not believe that this Court has the jurisdiction  
15 to determine whether Section 305 was violated the way  
16 the Plaintiffs have advanced their complaint because  
17 the bill that authorized that last sentence in the  
18 charter had to be challenged at the ballot box under  
19 the Election Article and once the question was  
20 ratified, the law that's in the charter is valid.

21           On what I'm saying is that is not -- they're  
22 not challenging that the charter -- they cannot because  
23 they missed the time. They cannot challenge the  
24 amended charter because the amended charter, the time  
25 to do that -- the ballot question to amend the charter

1 has passed.

2 THE COURT: I agree.

3 MR. KUMAR: Right. So what I'm saying is  
4 that what the Court is looking at is the way 305 is  
5 written based on the legislative history of how it got  
6 written that way and it authorizes the council to adopt  
7 a resolution to approve a redistricting plan; so  
8 therefore, it cannot, CR-123 cannot be invalid absent  
9 some other procedural irregularity such as we didn't  
10 give notice or we didn't have a hearing or those kinds  
11 of things.

12 THE COURT: So let me ask you because you're  
13 referencing legislative history, are you saying the  
14 language is ambiguous?

15 MR. KUMAR: No, no, no. I'm saying when you  
16 -- the case is Lamone, Lamone versus -- the case is  
17 from Maryland. It's called Lamone v. L-e-w-I-n. It's  
18 460 Md. 450 and that is a Court of Appeals opinion and  
19 they say on these type -- this was a ballot kind of  
20 question as well. Interpreting the stuff, they say you  
21 look at, you look at the legislative history to  
22 understand why it was done even if the language there  
23 is clear.

24 So all I'm saying is that because the  
25 allegation was made against CB-55, it is critical for

1 the Court to look at CB-55. He has made that argument.  
2 He's saying to invalidate CB-55.

3 MR. SAWYER: Your Honor, we're not -- I just  
4 want to make sure that my objection is very clear. I'm  
5 not arguing it as a ballot question, which is what the  
6 case that Mr. Kumar references is referring to. I'm  
7 arguing that it's invalid.

8 THE COURT: Right. Right, but he's already  
9 stated that the time for arguing the validity of that  
10 CB-55 was a lot -- has passed.

11 MR. SAWYER: That's correct, Your Honor, and  
12 I'm not arguing that.

13 THE COURT: Okay. And I agree with that  
14 argument.

15 MR. SAWYER: I'm not arguing that. Under  
16 Counsel's argument, no provision in the charter would  
17 ever be able to be judicially questioned at all.

18 MR. KUMAR: No.

19 MR. SAWYER: So if that's the case, we're  
20 questioning the validity of the language of CB-55.  
21 That's what we're questioning. We're not questioning  
22 the ballot question.

23 MR. KUMAR: But that is the ballot question.

24 THE COURT: Well, CB-55 went to the ballot.

25 MR. SAWYER: That's correct, Your Honor. I'm

1 questioning the language. That language.

2           If we -- I'm calling it CB-55. If we want to  
3 isolate it as the amending language or however we want  
4 to characterize it or name it, it's the name that --

5           THE COURT: Okay. You're challenging the  
6 language in the charter.

7           MR. SAWYER: That's correct, Your Honor.

8           THE COURT: Okay.

9           MR. KUMAR: Which is Question A.

10          THE COURT: Alternatively.

11          MR. KUMAR: Yeah, but which is Question A.  
12 And I'm saying to the Court and Counsel that when you  
13 look at the provision that is in the Election Article  
14 that authorizes how you challenge a ballot question,  
15 what this Court would be doing it would be usurping the  
16 ratification of the -- because, remember, the language,  
17 the last sentence in 305 is precisely Question A, the  
18 ballot question. He's saying with no uncertain terms,  
19 I am challenging that language.

20          MR. SAWYER: Your Honor, I'm not challenging  
21 it as a ballot question though. Counsel keeps trying  
22 to characterize it as a challenge to a ballot question.  
23 I am not characterizing it as a ballot question. I'm  
24 challenging that language and that language alone.

25          THE COURT: I understand.

1           MR. KUMAR: But the language cannot be  
2 challenged now. It was a ballot question that there's  
3 a procedure in the election.

4           THE COURT: All right. I'm going to tell  
5 you, I am only going to interpret what the charter  
6 means and what the actions that occurred here, what if  
7 any effect that had.

8           MR. SAWYER: Thank you, Your Honor.

9           MR. KUMAR: Fair enough. I just want to be  
10 very clear that I don't think that once the question  
11 was ratified and it made it into the charter that is --  
12 what they're arguing now is to say that that language  
13 is -- and he doesn't make it any -- in no uncertain  
14 terms he's arguing that it's invalid when it was  
15 ratified by the voters. That's my argument. So if  
16 it's ratified by the voters to amend the charter to  
17 allow the council to adopt a plan by resolution,  
18 they're backdooring a ballot question argument to this  
19 Court saying, no, you can't do it by a resolution when  
20 it was ratified.

21           So that's a central argument for us because  
22 if that's the case, if a ballot question, an  
23 unchallenged ballot question then can be subsequently  
24 challenged after ratification and certification of an  
25 election, then it renders meaningless the Election

1 Article that provides a specific process exclusive  
2 remedy to challenge a ballot question.

3           So for those reasons, Your Honor, our  
4 position is that the proper interpretation of the  
5 charter section, the last sentence in 305, is  
6 consistent with other provisions in the charter  
7 including the definition of a resolution that has the  
8 effect of law, which Mr. Sawyer talks about there's 1  
9 law and 2 law, it all is consistent. The charter must  
10 be liberally construed when the Court is looking at  
11 what it means.

12           So for those reasons, Your Honor, I would  
13 argue that based on how the Court has fashioned where  
14 the case is today, deny the requested relief by the  
15 Plaintiffs and rule that CR-123 was a valid legislative  
16 act in approving the redistricting plan.

17           THE COURT: All right. Okay, I'm sorry. Go  
18 ahead.

19           MR. KUMAR: And deny their relief about with  
20 regard to the deadline. I think that's an open and  
21 shut argument there.

22           THE COURT: All right. All right. If you  
23 all can hang on.

24           Darnea, go into the 2:30.

25           All right, I have a matter I need to deal

1 with real quickly and I'll return. Hold on.

2 THE DEPUTY CLERK: Okay.

3 (Break in proceedings at 2:31:50 p.m. to 2:59:36  
4 p.m.)

5 THE COURT: All right. Sorry about that.

6 MR. KUMAR: That's okay.

7 THE COURT: That took longer than I  
8 anticipated.

9 MR. KUMAR: Judge, when it's appropriate, I  
10 just have one comment.

11 THE COURT: Okay, hang on.

12 MR. KUMAR: If I may.

13 THE COURT: Okay, hang on.

14 (Pause.)

15 THE COURT: Okay, sorry. All right.

16 MR. KUMAR: That's okay.

17 THE COURT: Hang on a second. Mr. Sawyer's  
18 back, all right. Yes.

19 MR. SAWYER: Thank you, Your Honor.

20 MR. KUMAR: Yeah. Just before Mr. Sawyer  
21 does his reply or response, I just wanted to point the  
22 Court to page 26 of my exhibits, which is the section  
23 of the Express Powers Act, 10-206. And it says,  
24 "Additional Legislative Powers. A county may pass any  
25 ordinance, resolution or bylaw not inconsistent with

1 State law if it may aid in executing and enforcing any  
2 power in this title, which is the Express Power Act, or  
3 may aid in maintaining the peace, good government,  
4 health and welfare of the county." There's a section  
5 (b) with limitations in the express powers but that's  
6 with State law.

7           So I would submit that that section along  
8 with the charter provisions and the Express Power Act  
9 authority that the County has that that is consistent  
10 with the word "resolution" to adopt a redistricting  
11 plan by the County Council.

12           THE COURT: Okay. Now I have a question.  
13 You said that --

14           MR. KUMAR: Yes.

15           THE COURT: Where was that that you said a  
16 resolution?

17           MR. KUMAR: It's in the Express Powers Act  
18 Section 10-206. It says, "Additional Legislative  
19 Powers," and it --

20           MR. SAWYER: Exhibit 26, Your Honor.

21           THE COURT: I'm sorry.

22           MR. SAWYER: Exhibit 26 of his exhibit  
23 package.

24           THE COURT: Okay.

25           MR. KUMAR: It's page, yeah, Exhibit 26.

1           And that provision is Mr. Sawyer and I both  
2 agree that the Express Powers Act is what gives us the  
3 authority as a charter sort of our powers. The reason  
4 I wanted the Court to be aware of that section is  
5 because as I was indicating in my opening arguments  
6 that the word "resolution" is used throughout the  
7 charter and used throughout the -- not for in every  
8 provision, obviously, but in the Express Powers Act to  
9 authorize the council to execute its legislative  
10 powers.

11           THE COURT: I guess that -- but does, is  
12 there anything in there that says it's a substitute for  
13 the term bill or law?

14           MR. KUMAR: Well, the word "resolution" as  
15 the word resolution is used here in this additional  
16 powers to execute a law. That's what it's saying.

17           MR. SAWYER: Your Honor, I would --

18           MR. KUMAR: (Indiscernible 3:04:05).

19           THE COURT: Hang on, hang on. Right. But to  
20 execute a law, there has to be a law.

21           MR. KUMAR: Huh?

22           THE COURT: To execute a law, there has to be  
23 a law.

24           MR. KUMAR: Right. And our charter defines a  
25 resolution having the effect of law. Case law has

1 recognized --

2 THE COURT: Having the effect of law.

3 MR. KUMAR: Right.

4 THE COURT: Right. Then, well, that's -- it  
5 has the effect of law, meaning -- but is it a law? And  
6 I guess that's the argument that they have.

7 MR. SAWYER: That's correct, Your Honor.

8 MR. KUMAR: Right, right. I mean there's --

9 MR. SAWYER: And I would direct the Court if  
10 in looking at that 10-206 there are, excuse me, there  
11 are different wording.

12 THE COURT: I've read it.

13 MR. SAWYER: Is Counsel trying to say that a  
14 bylaw is the same as a law, or is Counsel trying to say  
15 that virtually anything that the council decides, any  
16 ordinance, resolution or bylaw (indiscernible 3:04:59).

17 THE COURT: Well, he's actually finished his  
18 argument. He wanted to point that last thing out. Is  
19 there anything you want to say in rebuttal?

20 MR. SAWYER: Yes, Your Honor. I apologize  
21 for overstepping.

22 THE COURT: Oh, no, no, no. That's no  
23 problem. I understand.

24 MR. SAWYER: In 10-206, these are three  
25 different terms -- ordinance, resolution and bylaw --

1 not inconsistent with State law, which I would argue  
2 also State law says that they must enact legislation  
3 concerning redistricting.

4           But I want to go back to something that  
5 Counsel mentioned because there's a conflation of terms  
6 and I think the Court is perceptive to this conflation  
7 of terms in that a resolution cannot be a law. Those  
8 are two very distinct things that one has its process  
9 and what it is used for. A resolution has what it is  
10 used for, temporary, and the effect of a law.

11           And the Court pointed out that that's not the  
12 same as a law. Whereas, a law is simply a law. And  
13 Charter Section 317 could not be clearer when it says  
14 all laws shall be enacted by bill. The council  
15 attempted to do this initially when it was changing its  
16 plan. The council attempted via CB-115-2021. And then  
17 instead, and for whatever reason, which remains unknown  
18 at this time, decided to use a resolution.

19           But another point that Counsel made or raised  
20 is this ballot question, whether it's a ballot question  
21 or can be questioned. This is a charter provision. We  
22 are questioning this as a charter provision, not as a  
23 ballot question. We are saying that this language of  
24 the charter is simply invalid. So the ballot question,  
25 to me, otherwise, we would never be able to ever

1 question any charter provision under Counsel's  
2 argument. Essentially, they are all ballot questions  
3 in some ways.

4           So if by nothing else because them not being  
5 subject to referendum one could make that case.

6           THE COURT: It's invalid if I determine that  
7 it means it's a law.

8           MR. SAWYER: That's correct, Your Honor.

9           THE COURT: Right.

10           MR. SAWYER: And I would also say that this  
11 provision, although it is ten years old, has never been  
12 tested. This has never been tested. So this portion,  
13 whether it -- and I would proffer for the Court that  
14 previously things had been done by a bill and any  
15 change had been done by a bill with subject to the  
16 County Executive's veto. So to Counsel's point, this  
17 has never been tested. This may be ten years old but  
18 it's never been tested, so this is the first time this  
19 is being tested.

20           THE COURT: Well, right. This is the first  
21 election after the change.

22           MR. SAWYER: That's correct, Your Honor.  
23 Thank you. Sometimes I get out of myself with my  
24 articulation, but thank you, Your Honor.

25           If the Court allows somehow a law to be a

1 resolution, where does that end? Does that end as we  
2 would argue that if indeed the Court does allow, does  
3 provide that for some reason the amended language in  
4 305 is valid somehow, it unambiguously only applies to  
5 the law passing the commission's plan and report.

6           Again, there are two laws in Section 305 and  
7 the language of the -- the amended language simply  
8 says, "such law." It does not say such laws. It does  
9 not say such legislative actions. It says such law,  
10 and that is modifying, simply, the commission's plan  
11 and report as an act, it does say, as an act of the  
12 council.

13           So the fact that this is to be that  
14 potentially, again if the Court determined that that  
15 amended language again that somehow a resolution could  
16 be a law, it only applies and modifies the law of the  
17 commission's plan and report becoming law. It does not  
18 modify or does not affect the plan changing the  
19 commission's proposal. Again, that plan was  
20 deliberated. That plan was, you know, a process, a  
21 politically independent process which is, this is where  
22 the common sense of this. I mean you look at the  
23 totality of the charter and we are to read and the case  
24 law specifically states that you are to read these  
25 things in totality. You read this with all of the

1 provisions.

2           If in Counsel's reading of 305 it renders  
3 three out of the -- or three or four of the definitions  
4 under 1017 completely pointless because, completely  
5 meaningless. One, it's a definition of a resolution.  
6 And these are all -- these are not just, you know, some  
7 people sitting around hoping and sort of, "oh, yeah, it  
8 might need this or that." These are thought-out  
9 specific terms again just like "such law" is a thought-  
10 out and specific term.

11           We don't need to look at the legislative  
12 intent. We don't need to look at the legislative  
13 history. We have unambiguous terms that say such law,  
14 which is in reference to the Commission's plan and  
15 report. Any other holding, any other holding outside  
16 of declaring the language that was in CB-55 other than  
17 declaring that invalid, any other reading of this  
18 renders so much of the charter inapposite and impotent,  
19 basically.

20           I want to make clear the argument so --  
21 because it seems that there was some confusion maybe a  
22 little bit about the argument and I'm certain that --

23           THE COURT: I'm not confused.

24           MR. SAWYER: Okay. I was going to say I'm  
25 certain it's my fault, Your Honor, if that's the case.

1           THE COURT: I'm not confused, you know, no.  
2 I'm not confused. I see this as, I guess, more -- I  
3 see this more simply than you in terms of addressing it  
4 in an alternative fashion. That's just how I see it.

5           MR. SAWYER: Okay. Thank you, Your Honor.  
6 Thank you. Thank you. And I appreciate that.

7           So I would just, again there is no path for a  
8 resolution to become a law. And again, if it does, if  
9 the Court sees that there is a path for a resolution to  
10 be a law that resolution or that law that it becomes is  
11 only talking about the commission's plan and report  
12 becoming "law."

13          THE COURT: Okay. Thank you.

14          MR. SAWYER: Thank you, Your Honor.

15          THE COURT: All right. So this matter is  
16 before the Court on the Plaintiff's complaint for  
17 preliminary injunction, permanent injunction,  
18 declaratory relief, declaratory and injunctive relief  
19 and for a writ of mandamus. The Plaintiffs are Robert  
20 Thurston, Stephanie Stullich, John Perkins and Stanley  
21 Holmes. There are no disputes of fact for the purposes  
22 of this proceeding and the Court's ruling. There's no  
23 issue of standing regarding the Plaintiffs. The Court  
24 adopts and incorporates by reference the facts as  
25 alleged in the complaint regarding the council's

1 actions. And the statutes charter, they're self-  
2 evident as legal documents.

3           So the issue as this Court sees it is whether  
4 the Council Resolution CR-123-2021 is effective. That  
5 is, did it lawfully amend the redistricting plan  
6 adopted by the County's commission on redistricting  
7 that was presented to the council on September 21st,  
8 2021 in accordance with County Charter Article 3  
9 Section 305.

10           So we know that every ten years a charter  
11 commission is established for the purposes of  
12 redistricting in the county. It's no different and  
13 this has been since 1982, and it's been every ten years  
14 since that time, the group that's supposed to present  
15 to the council by September the 1st any plan that they  
16 come up with, which was done in this case.

17           Now after the plan was presented to the  
18 council, what happened is the council amended the plan.  
19 They changed the plan and presented their own plan and  
20 then that plan was adopted by Council Resolution 123-  
21 2021. And the Plaintiffs' complaint is, one, that they  
22 can't do it by resolution if, in fact, Charter Section  
23 305 is to be read that the council's new law is being  
24 done by a resolution here, which seems to be -- and you  
25 can correct me if I'm wrong, Mr. Kumar -- is the

1 County's position that the new law has been adopted by  
2 resolution and that's CR-123-2021, correct?

3 MR. KUMAR: Yes, the council's redistricting  
4 plan was adopted through CR-123.

5 THE COURT: The resolution.

6 MR. KUMAR: Yes.

7 THE COURT: All right. So -- and I think  
8 that's the issue. So the issue as this Court sees it  
9 is how is this statute to be read. And I'm going to  
10 read certain portions of Charter Section 305, but  
11 before I do that I do think I need to address, you  
12 know, certain statutory provisions.

13 The charter defines the word "bill" to mean  
14 any measure introduced in the council for legislative  
15 action, and it defines as any bill enacted in a manner  
16 and form provided in this charter. And there's Charter  
17 Section 317 which says all laws shall be enacted by a  
18 bill. And then there's a council resolution which has  
19 a meaning as a measure adopted by the council having  
20 the force and effect of a law but of a temporary or  
21 administrative character. And I think that of  
22 administrative character is important to determining  
23 what Section 305 means.

24 Now I don't know what was intended and I  
25 don't think the legislative history does in terms of

1 that this was going to be an act for legislative  
2 action. What it meant in term -- I don't think it  
3 changes for me, my interpretation of the statute. So  
4 Section 305 of the charter regarding redistricting,  
5 everything in the beginning of this charter provision  
6 has been followed as agreed by the parties.

7           Now we get to September 1st of the year prior  
8 in which the redistricting is to be effective, "the  
9 commission shall prepare, publish and make available a  
10 plan of council districts and shall present that plan  
11 together with a report explaining it to the council."  
12 That was done here. "The plan shall provide for  
13 council districts that are compact, contiguous and  
14 equal in population." And the Plaintiffs allege that  
15 that, the plan submitted by the commission met that  
16 form. "No less than 15 calendar days and no more than  
17 30 calendar days after receiving the commission plan  
18 that council shall hold a public hearing on the plan."  
19 That was done.

20           Now this is the important part. If the  
21 council passes no other law -- that's a clause; the  
22 sentence then goes on to say, "No other law changing  
23 the proposal," meaning the commission's proposed plan,  
24 "then the plan presented by the commission," as adopted  
25 -- "as submitted," sorry, "as submitted, shall become

1 law as of the last day of November as an act of the  
2 council subject to Sections 320 and 321 of the  
3 charter," which don't really have any relevance for our  
4 purposes. "Such law shall be adopted by resolution of  
5 the county council upon notice and public hearing."

6 And we had a notice and public hearing for the  
7 resolution, but the council believed that it could  
8 change the plan through this process and by resolution.

9           How the Court reads the sentence preceding  
10 the new language is this: There's a clause that says  
11 if the council passes no other law changing the  
12 proposal and the Court finds that to change the law  
13 that council has to submit a bill and enact it, then  
14 "the plan, as submitted, shall become law." And that's  
15 the sentence. That's the active sentence there, "the  
16 plan shall become law." The Court reads such law as  
17 relating back to the plan that becomes law in November.  
18 That's how the Court reads that. And the resolution is  
19 of an administrative character, that it's a resolution  
20 adopting the plan that by operation of law becomes law.

21           And based on the Court's interpretation, the  
22 council's action, the Court finds, is invalid and the  
23 Court declares that the council's action to the extent  
24 that it attempted to change the Commission's plan via  
25 resolution is invalid. And the Court declares that the

1 commission's plan, which was submitted and which was  
2 not changed by a law, by any other law, became  
3 effective on the last day of November as an act of the  
4 council. Therefore, it is the districts as they are  
5 proposed in the commission's plan that are effective as  
6 opposed to the plan submitted by the council.

7           So that is the Court's decision. The council  
8 must submit to the Board of Elections the commission's  
9 plan as the redistricting plan for Prince George's  
10 County that establish the districts for the election  
11 that is to occur between now and 2032.

12           All right?

13           MR. SAWYER: Thank you, Your Honor.

14           THE COURT: Thank you all very much. The  
15 Court will issue an order to that effect.

16           MR. SAWYER: Thank you, Your Honor.

17           MR. KUMAR: Thank you.

18           MR. SAWYER: May we be excused, Your Honor?

19           THE COURT: Thank you. Yes, you may.

20           MR. SAWYER: Thank you.

21           (AT 3:21:06 p.m., proceedings concluded.)

22

23

24

25

1

2

3

## CERTIFICATE OF TRANSCRIBER

4

I hereby certify that the proceedings in the  
5 matter of Robert E. Thurston v. Prince George's County,  
6 case number CAL22-01728, heard in the Circuit Court for  
7 Prince George's County, Maryland, on January 28, 2022,  
8 were recorded by means of video recording.

9

I further certify that to the best of my knowledge  
10 and belief, page numbers 3 through 61 constitute a  
11 complete and accurate transcript of the proceedings as  
12 transcribed by me.

13

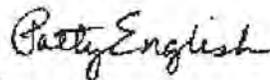
I further certify that I am neither a relative to  
14 nor an employee of any attorney or party herein, and  
15 that I have no interest in the outcome of this case.

16

In witness whereof, I have affixed my signature on  
17 this 2nd day of February 2022.

18

19



20

Patty English, Transcriber

21

22

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**ROBERT E. THURSTON, JR., et al.**  
**Plaintiffs**

**v.**

**PRINCE GEORGE'S COUNTY, MD**  
**Defendant**

**CAL22-01728**

**ORDER OF COURT AND DECLARATORY JUDGMENT**

The above-captioned came before the court for hearing on January 28, 2022, on Plaintiffs' motion for temporary restraining order and preliminary injunction to enjoin Prince George's County, Maryland ("County"), from applying a redistricting map. Because the operative facts are not in dispute and the issue to be decided is strictly a question of law, the court advanced and consolidated the hearing with a trial on the merits. The court adopts and incorporates by reference the undisputed facts in the Plaintiffs' verified complaint to the extent that they describe the process by which the commission on redistricting's plan was submitted to the County Council ("Council") and the Council's actions in response leading up to and including the passage of CR-123-2021.

Accordingly, for the reasons stated on the record, it is this 31st day of January, 2022, by the Circuit Court for Prince George's County, Maryland,

**DECLARED** that County Charter § 317 prohibits the Council from enacting any law "except by bill"; and it is further

**DECLARED** that pursuant to Charter § 305, the only manner by which the Council can change the redistricting plan submitted by the commission on redistricting ("Commission") is by passing a law; and it is further

**DECLARED** that under the County's Charter, a resolution, while having the effect of law, is not a substitute for a law; and it is further

**DECLARED** that the passage of CR-123-2021 is not effective to the extent its intent is to serve as a "law changing the [Commission's plan]"; and it is further

**DECLARED** that since no other law has been passed changing the Commission's plan submitted to the Council on September 1, 2021, the Commission's plan became law on November 30, 2021; and it is

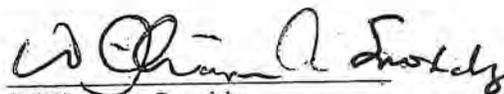
**ORDERED** that Prince George's County, Maryland, and/or the Prince George's County Council is permanently enjoined from acting upon, implementing, or otherwise presenting the redistricting plan in CR-123-2021 to any entity charged with acting upon or implementing the County's redistricting plan; and it is further

**ORDERED** that Prince George's County, Maryland, and/or the Prince George's County Council shall immediately withdraw the redistricting plan in CR-123-2021 and submit the Commission's plan to all entities charged with acting upon or implementing the County's redistricting plan; and it is further

**ORDERED** that the County and/or the Council shall immediately cease and desist any publication of the redistricting plan in CR-123-2021 or otherwise withdraw the plan in CR-123-2021 from public view to the extent practicable and within its control; and it is further

**ORDERED** that any relief not granted herein is **DENIED**; and it is further

**ORDERED** that this case is **CLOSED STATISTICALLY**.



William A. Snoddy  
Judge, Circuit Court for Prince George's County, Maryland

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ROBERT E. THURSTON, *et al.*

v.

PRINCE GEORGE'S COUNTY

CAL22-01728

Hon. William A. Snodgrass

CLERK OF THE  
CIRCUIT COURT  
2022 FEB - 1 AM 10:10  
PR GE0 CO MD #59

NOTICE OF APPEAL

The Defendant, Prince George's County, Maryland, hereby notes an appeal, pursuant to Md. Rules 8-201 and 8-202, from the Circuit Court's Order of Court and Declaratory Judgment dated January 31, 2022. See Attachment A – Order of Court and Declaratory Judgment.

This is a time-sensitive appeal because it involves the validity of the County Council's 2021 Redistricting Plan and February 22, 2022, filing deadline to declare candidacy for the 2022 Councilmanic elections.

Please take notice that the transcript order for appeal has been filed with the Office of the Court Reporters. See Attachment B – Transcript Order Form.

Case# CAL22-01728  
APPEAL  
CT OF SP APPE 50.00  
RIF - APPEALS 11.00  
TOTAL 61.00  
Rec'd PC11 Rpt # 66506  
REL MHZ BIK # 3  
Feb 01, 2022 08:55 am

Respectfully submitted,

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

/ s / R a j e s h A . K u m a r  
Rajesh A. Kumar, KU3800  
Principal Counsel  
Wayne K. Curry Administration Building  
1301 McCormick Drive, Suite 3-126  
Largo, Maryland 20774  
301.952.3921 voice  
301.952.4862 facsimile  
rakumar@co.pg.md.us  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 1, 2022, a copy of the foregoing Notice of Appeal was served, by first-class mail, postage prepaid, and electronic mail (Matthew@MSawyerLaw.com), upon Matthew G. Sawyer, The Law Offices of Matthew G. Sawyer, LLC, 30 Courthouse Square, Suite 100, Rockville, Maryland 20850.

/ s / R a j e s h A . K u m a r  
Rajesh A. Kumar, KU3800

**ATTACHMENT A**

**January 31, 2022**

**ORDER OF COURT AND DECLARATORY JUDGMENT**



**DECLARED** that under the County's Charter, a resolution, while having the effect of law, is not a substitute for a law; and it is further

**DECLARED** that the passage of CR-123-2021 is not effective to the extent its intent is to serve as a "law changing the [Commission's plan]"; and it is further

**DECLARED** that since no other law has been passed changing the Commission's plan submitted to the Council on September 1, 2021, the Commission's plan became law on November 30, 2021; and it is

**ORDERED** that Prince George's County, Maryland, and/or the Prince George's County Council is permanently enjoined from acting upon, implementing, or otherwise presenting the redistricting plan in CR-123-2021 to any entity charged with acting upon or implementing the County's redistricting plan; and it is further

**ORDERED** that Prince George's County, Maryland, and/or the Prince George's County Council shall immediately withdraw the redistricting plan in CR-123-2021 and submit the Commission's plan to all entities charged with acting upon or implementing the County's redistricting plan; and it is further

**ORDERED** that the County and/or the Council shall immediately cease and desist any publication of the redistricting plan in CR-123-2021 or otherwise withdraw the plan in CR-123-2021 from public view to the extent practicable and within its control; and it is further

**ORDERED** that any relief not granted herein is **DENIED**; and it is further

**ORDERED** that this case is **CLOSED STATISTICALLY**.



William A. Snoddy  
Judge, Circuit Court for Prince George's County, Maryland

**ATTACHMENT B**  
**TRANSCRIPT ORDER FORM**

**Kumar, Rajesh A.**

---

**From:** noreply@civicplus.com  
**Sent:** Monday, January 31, 2022 11:28 AM  
**To:** Kumar, Rajesh A.  
**Subject:** Online Form Submittal: TRANSCRIPT ORDER FORM

**CAUTION:** This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

## TRANSCRIPT ORDER FORM

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

*Office of the Court Reporters Courthouse, Room D3002 P.O. Box 401 Upper  
Marlboro, MD 20773*

*Phone: 301-952-3461 CourtReporters@co.pg.md.us*

### TRANSCRIPT ORDER FORM

*Required Fields Must Be Completed.*

For assistance with requested information on this form, go to <http://casesearch.courts.state.md.us/>

*Transcription of proceedings will not be started until all deposits requested are received. Balances are due prior to delivery of any transcripts. The Office of the Court Reporter can be reached at 301-952-3461.*

Transcript Needed for Appeal  
(select only one)

#### IMPORTANT NOTICE FOR APPEALS

*Please refer to the Maryland Rules regarding timelines for ordering transcripts.*

Case Number	CAL22-01728
Case Name	Robert E. Thurston, et al. v. Prince George's County
Hearing Date	1/28/2022
Name of Judge	William A. Snoddy

Courtroom Number/Court Reporter Name	M-2402
Hearing Date	<i>Field not completed.</i>
Name of Judge	<i>Field not completed.</i>
Courtroom Number/Court Reporter Name	<i>Field not completed.</i>
Hearing Date	<i>Field not completed.</i>
Name of Judge	<i>Field not completed.</i>
Courtroom Number/Court Reporter Name	<i>Field not completed.</i>
Requested by:	
Name	Rajesh Kumar
Email Address	rakumar@co.pg.md.us
Address	Wayne K. Curry Administration Building, 1301 McCormick Drive, Suite 3-126
City	Largo
State	Maryland
Zip Code	20774
Phone Number	240.695.4582
Fax Number	<i>Field not completed.</i>
Date Transcript Needed	2/4/2022



GREGORY HILTON,  
CLERK

**Court of Special Appeals**  
Robert C. Murphy Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401-1699

(410)260-1450 WASHINGTON AREA 1-888-200-7444

**PRINCE GEORGE'S COUNTY v. Robert E. Thurston, et al**

Case Number: CSA-REG-1865-2021

Circuit Court Number: CAL2201728

Date: 2/3/2022

Dear Counsel and Parties:

The above-captioned case has been appealed to the Court of Special Appeals and has been assigned case number CSA-REG-1865-2021 in this Court. This is an MDEC case and counsel are reminded that they are required to e-file all papers, including the Civil Appeal Information Report (Rule 8-205), with this Court. Md. Rule 20-102(b). *E-filing is not mandatory if you do not have a lawyer.*

The Appellant must file a Civil Appeal Information Report within ten (10) days of the filing of the notice of appeal. You will receive a briefing notice after the record has been transmitted by the Circuit Court or Orphan's Court.

---

Gregory Hilton, Clerk

PRINCE GEORGE'S COUNTY,

Appellants,

v.

ROBERT E. THURSTON, ET AL.,

Appellees.

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* No. 1865, September Term, 2021  
\* (Pet. No. 405, September Term, 2021  
\* in the Court of Appeals)  
\* (Cir. Ct. No. CAL22-01728)

\* \* \* \* \*

ORDER

On the Writ of Certiorari issued by the Court of Appeals of Maryland on February 11, 2022, it is this 14th day of February 2022, by the Court of Special Appeals,

ORDERED that, pursuant to Rule 8-412(b), the Clerk of the Circuit Court for Prince George's County shall transmit the record on appeal to the Court of Appeals on or before February 25, 2022 along with the writ of certiorari.



CHIEF JUDGE'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

Matthew J. Fader, Chief Judge

# In The Court of Appeals of Maryland

No. \_\_\_\_\_

SEPTEMBER TERM, 2021

PRINCE GEORGE'S COUNTY,

Petitioner,

v.

ROBERT E. THURSTON, *et al.*,

Respondents.

---

---

## PETITION FOR WRIT OF CERTIORARI

(On Appeal from the Circuit Court for Prince George's County, Maryland  
Honorable William A. Snoddy, Presiding)

---

---

Rajesh A. Kumar  
Principal Counsel  
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*Attorney for Petitioner*

Sunday, February 6, 2022

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## INTRODUCTION

The General Assembly is *required* by its Constitution to adopt its decennial legislative districting by *resolution*—and it did so.<sup>1,2</sup> The County Council of Prince George’s County is also *required* by its Constitution to adopt its Redistricting Plan by *resolution*—and it did so.<sup>3</sup>

But *sixty-nine days after* Council adopted its Plan, circuit court threw out the Plan because 4 Residents alleged that “[a] *resolution is not and cannot be a law*” because the Charter mandates that “[t]he Council shall enact *no law* except by *bill*.”

The law didn’t fare well on January 28. Despite a 2012 Charter amendment that made it *mandatory* for Council to adopt its Plan by *resolution*, circuit court confusingly held—because the court did not invalidate the amendment—that the Charter *prohibits* Council from enacting *any* law except by *bill*.

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<sup>1</sup> In the Matter of 2022 Legislative Districting of the State, Order filed January 28, 2022. <https://www.courts.state.md.us/sites/default/files/import/coappeals/highlightedcases/2022districting/01282022legislativedistrictingschedulingorder.pdf> (last visited February 2, 2022).

<sup>2</sup> Documents in support of this petition are numbered “D\_\_.”

<sup>3</sup> D1.

If circuit court is *right*—this Court should *toss* the General Assembly’s Plan (currently before this Court) because it *too* was adopted by resolution.<sup>4</sup> Because the General Assembly and Council were *administering or implementing* “existing redistricting law” *already in force and effect*, neither legislative body was *required* to adopt decennial Plans by *bill* because they were *not* making *new* law or prescribing a *permanent rule or conduct* to continue in force *until repealed*.

The circuit court’s decision cannot withstand measured judicial scrutiny.

#### A. PROCEEDINGS BELOW

Circuit Court for Prince George’s County — On January 24, 2022, a Verified Complaint for Declaratory Judgment and Writ of Mandamus and for Temporary Restraining Order and Preliminary Injunctive Relief was filed against Prince George’s County by Robert E. Thurston, Stephanie E. Stulich, John D. Perkins, and Stanley Holmes. The docket

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<sup>4</sup> According to the State’s website certain issues are required by law or Constitution to be introduced by **resolutions**, which are substantive in nature and express the will, opinion, or public policy of the General Assembly and they also have the force and effect of law. The Council is also required by its Charter (or Constitution) to adopt its decennial Redistricting Plan by resolution. <https://msa.maryland.gov/msa/mdmanual/07leg/html/proc.html> (last visited February 2, 2022).

number is CAL22-01728. D5-50. Four days later, the Honorable William A. Snoddy held a full hearing on the face of the complaint alone. D51-114. A written Order of Court and Declaratory Judgment followed on Monday, January 31, 2022—adjudicating all claims in the action in their entirety, and the rights and liabilities of all parties to the action. D113-114. The County *immediately* noted an appeal.<sup>5</sup> D115-122.

Court of Special Appeals — COSA docketed the appeal the same day as CSA-REG-1865-2021 – Prince George’s County v. Robert E. Thurston, et al. The case has not been decided by COSA, there is no judgment, no mandate, no briefing schedule, and no briefs filed in COSA. D123.

## **B. QUESTION PRESENTED**

In 2012, the County Attorney certified the order and form of seven questions to the local board of elections in accordance with the provisions of Section 7-103 of the Election Law Article. D124-131. Relevant to this petition is Ballot Question A. D129. According to the Maryland Election Law website, Question A was presented to the voters as follows:

**Prince George’s County  
Question A  
Charter Required Referendum  
(CB-55-2012) Proposed Charter Amendment**

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<sup>5</sup> The County requested an expedited transcript, which was completed on Wednesday, February 2.

**To authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.<sup>6</sup>**

Voters overwhelmingly ratified Question A on November 6, 2012. Subsequently, Section 305 of the Charter was *amended* as follows: Such law shall be adopted by resolution of the County Council upon notice and public hearing.<sup>7</sup> D124-125, D132-133 (Emphasis added).

The question presented:<sup>8</sup>

**Is a Resolution, having the force and effect of law, a valid measure to adopt a decennial County Council Redistricting Plan?**

In 2012, voters said YES. But 9 years later, circuit court, at the eleventh hour, with the flick of a pen, re-wrote the County's Constitution and *silenced* the free expression of the will of the people when it threw out Council's 2021 decennial Redistricting Plan *because* it was adopted by *resolution*.

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<sup>6</sup>[https://elections.maryland.gov/elections/2012/ballot\\_question\\_language.html#pg](https://elections.maryland.gov/elections/2012/ballot_question_language.html#pg) (last visited February 2, 2021).

<sup>7</sup> In the Charter, "shall" is mandatory. D138.

<sup>8</sup> No reported opinion has addressed this question.

### C. REVIEW IS DESIRABLE AND IN THE PUBLIC INTEREST

This case involves the County's Charter (or Constitution) and local Election Law. A County's Charter "is to its legislative body as the Constitution is to the General Assembly of Maryland."<sup>9</sup> The most fundamental principle defining credible elections is that they must reflect the free expression of the will of the people.

This Court settled long ago the *distinction* between a resolution and a bill—but circuit court chartered its' *own distinction* and *ignored* the people of Prince George's County who saw fit in 2012 to *require* County lawmakers to *adopt* decennial Redistricting Plans by *resolution*.

Circuit court changed a **Yes** vote in 2012 to a **No** vote in 2021.

Circuit court's ruling has delivered nothing short of election chaos *22-days before* an election filing deadline to declare candidacy for the 2022 Councilmanic elections.<sup>10</sup> Instead of denying the relief in the complaint, because of Residents *inexcusable* and *unreasonable* delay in

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<sup>9</sup> *Anne Arundel County v. Moushabek*, 269 Md. 419, 306 A. 2d 517 (1973).

<sup>10</sup> *Barthelmes v. Morris*, 342 F. Supp. 153, 160 (D. Md. 1972) (stating that although "the election process is one fraught with uncertainty [i]t does not follow [] that a court should add a further element of wholly unanticipated uncertainty into the process at the eleventh hour").

asserting their rights, circuit court “permanently” enjoined the County and/or the County Council from “acting upon,” “implementing” or otherwise “presenting” the Plan to “any entity” charged with “acting upon,” or “implementing” the Plan—*22-days before* an election filing deadline.

Under the Charter, Council *does not “implement”* the Plan *after* transmittal to BOE—that *administrative* function rests *solely* with the BOE—a party circuit court acknowledged Residents did *not* sue. D114. But it didn’t matter to circuit court that *sixty-nine days after* the Plan was transmitted to the BOE, the County’s interest in proceeding with the election *increases in importance* as resources are committed *and irrevocable decisions are made*.<sup>11</sup>

Time is running out for almost 1 million people in Prince George’s County.<sup>12</sup> Resolution from this Court is desirable and in the public interest to restore the *status quo*.

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<sup>11</sup> *Farnum v. Burns*, 548 F. Supp. 769, 774 (D.R.I. 1982) (noting that “equitable principles may require a court not to interfere with the conduct of rapidly upcoming elections where the election machinery is already in gear”).

<sup>12</sup> The County’s total adjusted population based on 2020 Census is 968,772.

## D. STATUTORY PROVISIONS

1. Prince George's County Charter, §§ 301, 302, 303, 304, 305, 307, 317, 318, 319, 320, 321, 323, 411, 1014, 1017, 1101, 1102, 1105.
2. Md. Ann. Code, Local Govt. Article, §§ 9-205, 10-202, 10-204, 10-206, 10-306.
3. Md. Ann. Code, Election Law Article, §§ 5-303, 7-101, 7-102, 7-103, 7-104, 7-105.

## E. STATEMENT OF FACTS

### Existing Law Already In Force And Effect

Voters adopted the Charter on November 3, 1970. D140. Subsequently, the County was divided into nine Council districts in 1980 and boundaries of Council districts were then established pursuant to Section 305 of the Charter in 1982 and every tenth year thereafter. D132-133. That has been the law in force and effect *ever since*.

### 2012 Charter Amendment

When the voters ratified Ballot Question A, it must be assumed that the people of Prince George's County *meant what they said*—i.e.—if County lawmakers passes another *law* to change the Commission's Plan, it *shall* do so by *resolution*. D124-133.

### Council Resolution (CR) 123-2021

Council introduced CR-123-2021 on October 19, 2021. After notice and public hearing, CR-123-2021 was adopted on November 16, 2021—

and the Plan was transmitted to the BOE for further administrative action. D1.

### **November 16 to January 24**

Residents *inexcusable* and *unreasonable* delay in filing their complaint, which resulted in *prejudice* to the County—*22 days before* an election filing deadline.<sup>13</sup>

### **Complaint for Declaratory Judgment/Injunctive Relief**

Inexplicably, 4 Residents waited *sixty-nine days after* Council adopted its Plan and less than 1 month before the election filing deadline for candidacy to file a 4-count complaint to invalidate Council's Plan. D5-50. A full hearing was held on January 28, 2022—just 4 days after the complaint was filed. D51-112. Counts 1 & 2 essentially requested that the Commission's Plan become *law* because Council failed to *adopt a law* because it *adopted a resolution* as opposed to a *bill*. D24-26. Count III

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<sup>13</sup> *Waddell v. Small Tube Products, Inc.*, 799 F.2d 69, 77 (3d Cir. 1989) (“[T]he conclusion that a delay is ‘inexcusable’ comprehends both the application of a legal standard and an exercise of the trial court’s sound discretion in assessing the equitable circumstances of a particular case”), quoting *Churma v. United States Steel Corp.*, 514 F.2d 589, 593 (3d Cir. 1975); *Freeman v. Martin Robowash, Inc.*, 61 Tenn. App. 677, 689, 457 S.W.2d 606, 611 (Tenn. App. 1970) (“The question whether in view of the established facts, relief is to be denied—that is, whether, it would be inequitable or unjust to the defendant to enforce the complainants’ right—is a question of law”).

was a requested to invalidate the 2012 Charter, which was denied. D26-28, D114. Count IV requested injunctive relief citing (among other things) voter confusion and uncertainty. Residents requested that the County be enjoined from “implementing” and “effectuating” CR-123-2021 *sixty-nine days after* it was adopted and transmitted to the BOE for further administrative action. Count IV also requested that the County be enjoined from “enforcing” the filing deadline for candidacy. Circuit court enjoined CR-123-2021—*22-days to the election filing deadline*—and inflicted harm to the County and more importantly to the electorate. D28-31, D114.

## F. ARGUMENT

### **Statutory Interpretation and Construction**

The circuit court made the following declarations against the County:

- DECLARED that County Charter § 317 prohibits the Council from enacting any law “except by bill.”
- DECLARED that pursuant to Charter § 305, the only manner by which the Council can change the redistricting plan submitted by the commission on redistricting (“Commission”) is by passing a law.
- DECLARED that under the County’s Charter, a resolution, while having the effect of law, is not a substitute for a law.
- DECLARED that the passage of CR-123-2021 is not effective to the extent its intent is to serve as a “law changing the [Commission’s plan].”

- DECLARED that since no other law has been passed changing the Commission’s plan submitted to the Council on September 1, 2021, the Commission’s plan became law on November 30, 2021. D113-114.

The County contends that circuit court erred on all fronts. This case turns on statutory construction and interpretation of the County’s Charter *as amended* by Ballot Question A—which has *not* been invalidated by *any* court.<sup>14</sup> It is hornbook rule of statutory construction that in ascertaining the intention of the Legislature, all parts of a statute are to be read together to find the intention as to any one part and that all parts are to be reconciled and harmonized if possible. If there is no clear indication to the contrary and it is reasonably possible, a statute is to be read so that no word, clause, sentence or phrase shall be rendered surplusage, superfluous, meaningless or nugatory.<sup>15</sup>

The language in § 317 of the Charter that states that all laws must be enacted by bill *pre-dates* ratification of Question A, which specifically *amended* § 305 (Redistricting procedures), and *requires* Council to adopt

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<sup>14</sup> This Court has recognized that from the moment an amendment is ratified it became effective as law. *Smigiel v. Franchot*, 410 Md. 302, 978 A.2d 687 (2009) (quoting *Druggan v. Anderson*, 269 U.S. 36, 39, 46 S.Ct. 14, 70 L.Ed. 151 (1925)).

<sup>15</sup> *Harford County v. Board of Supervisors*, 272 Md. 33, 321 A.2d 151 (1974).

redistricting *law by resolution—as opposed to a bill contemplated in § 317* (Enactment of legislation). Section 305 (as amended by Question A) is aligned on all fours with the Express Powers Act which expressly authorizes a County Council to *pass a resolution* to execute and enforce **any** power conferred to it—including *creating and revising election districts and precincts*. D144-45.

Judge Snoddy’s sole reliance on the language in § 317 to declare that “§ 317 prohibits the Council from enacting any law “except by bill,” was erroneous because he completely ignored the legal significance of the 2012 Charter amendment—which he did not invalidate. If § 317 was meant to override § 305 as amended after Question A was ratified, it would not be construing the Charter so that no word, clause, sentence or phrase shall be rendered surplusage, superfluous, meaningless or nugatory. *Board of Supervisors*, 272 Md. 33, 321 A.2d 151 (1974)

In *Board of Supervisors, supra*, this Court granted a petition for writ of certiorari and advanced the case for oral argument after Harford County immediately appealed a circuit court decision to the Court of Special to address whether the circuit court was correct to grant the board of elections declaratory judgment to invalidate the council’s **resolution** approving a plan different from the commission’s plan. In

that case and the instant case, both Counties were up against the filing deadline for the coming councilmanic election.<sup>16</sup>

*Board of Supervisors* addressed a 70-day deadline provision in Harford County's charter. There the Council did not enact its plan until after the 70-day deadline and lost their right to do so. Relevant to the instant petition is how this Court squared the 70-day restrictive provision in that charter, which Judge Snoddy failed to do in the instant case with the 2012 amendment to § 305. Addressing the more restrictive 70-day provision over a general provision in Harford County's charter, this Court reasoned as follows:

**The people of Harford County *saw fit, in their wisdom, to place in their charter this provision for the creation of councilmanic districts. It must be assumed that they meant what they said.* See *Prince George's Co. v. Beard*, 266 Md. 83, 91, 291 A. 2d 636 (1972).** It certainly cannot be said that the Harford County Charter clearly spells out that the provisions of § 101 of that charter are in any way to override the provisions of § 205. If § 205 were not in the charter, then the council could, as Judge Close observed, "redistrict in any manner they wished, using any procedure they wished to establish, provided that both the procedure and the result were consistent with both Federal and State law and related sections of the Charter." *The only way the charter can be construed* so that "no word, clause, sentence or phrase shall be rendered surplusage, superfluous, meaningless or nugatory" is to conclude, as we do conclude, that the *citizens* of Harford County *intended* by the enactment of § 205 of their charter *to restrict* the

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<sup>16</sup> This Court referred to the Council's bill as a resolution.

County Council in enacting laws setting forth lines for councilmanic districts to the “seventy calendar days following presentation of the Commission’s plan.”

*Board of Supervisors*, 272 Md. 33, 40, 321 A.2d 151, 155 (Emphasis added).

The same is true for Prince George’s County. When the voters ratified Ballot Question A, it must be assumed that the people of Prince George’s County *meant what they said*—i.e.—if County lawmakers passes another law to change the Commission’s Plan, it *shall* do so by *resolution*. D124-133. Moreover, to the extent there was a conflict in the Charter, circuit court resolved it in *favor* of the County when the court *denied* Residents’ request to invalidate the 2012 amendment. D113-114.

In *Kendall v. Howard County*, this Court explained the difference between a *resolution* and *bill* as follows:

**Resolution**

A **resolution** “ordinarily denotes something less solemn or formal than, or *not rising to the dignity of, an ordinance.*” A **resolution passed** by a legislative body “**deals with matters of a special or temporary character . . .** [and] generally speaking, is simply an expression of opinion or mind concerning some particular item of business coming within the legislative body’s official cognizance, ordinarily **ministerial** in character and relating to the **administrative** business of the municipality.”

## Bill

A **bill** or ordinance is distinctly a legislative act; it prescribes “*some permanent role of conduct or government, to continue in force until the ordinance is repealed.*”

431 Md. 590, 595-96, 66 A.3d 684, 687 (2013) (Emphasis added). A recognized test for determining whether a municipal ordinance is legislative and so subject to referendum, or whether it is executive or administrative and is not, is whether the ordinance *is one making a new law -- an enactment of general application prescribing a new plan or policy -- or is one which merely looks to or facilitates the administration, execution or implementation of a law already in force and effect.* *Scull v. Montgomery Citizens League*, 249 Md. 271, 239 A.2d 92 (1968).

The County argued that pursuant to the Express Powers Act, Council is authorized to use *resolutions* to execute and enforce any power granted to it—including *to execute a law*. D144. But Judge Snoddy said “...to execute a law, *there has to be a law.*” D100 (Emphasis added). Judge Snoddy mistakenly viewed CR-123-2021 as *bringing into existence* redistricting *law* for the *first time*—requiring passage by *bill*—and *missed* that CR-123-2021 was merely *implementing* and *administering* *already existing* redistricting law—which does *not* require passage by *bill*. Section 305 (Redistricting procedures) is best characterized as **ministerial** in character and relating to **administrative** business—

i.e.—*implementing* and *administering* decennial redistricting every ten years based on Census data.

### PRAYER FOR RELIEF

This matter involves the 2021 County Council decennial Redistricting Plan approved in CR-123-2021, and overlapping election issues, including an upcoming election filing deadline on February 22, 2022, to declare candidacy for the upcoming 2022 Councilmanic election. The entire record below is attached to this petition—including the transcript.

This Court should grant this petition in similar fashion as it did in *Harford County v. Board of Supervisors*, 274 Md. 33, 321 A.2d 151 (1974), and advance the case for argument and disposition.

Pursuant to Rule 8-303 (e), upon filing of this petition, the County would respectfully request that the Court stay the enforcement or execution of the judgment of the circuit court—and restore the *status quo*.

Pursuant to Rule 8-303 (f)(1) if the Court grants the petition, the County respectfully requests that the case advance for argument and disposition before the February 22 filing deadline.

Grant any other relief that is within the inherent power of the Court.

Respectfully submitted,

/ s / R a j e s h A . K u m a r

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**CERTIFICATION OF WORD COUNT AND COMPLIANCE  
WITH RULE 8-112**

1. This Petition contains 3,113 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This Petition complies with the font, spacing, and type size requirements stated in Rule 8-112.

/ s / R a j e s h A . K u m a r

Rajesh A. Kumar — 9806230294

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Sunday, February 6, 2022, the foregoing **Petition for Writ of Certiorari** was filed and served electronically through the MDEC System and by first-class mail, postage prepaid, upon Matthew G. Sawyer, The Law Offices of Matthew G. Sawyer, LLC, 30 Courthouse Square, Suite 100, Rockville, Maryland 20850.

/ s / R a j e s h A . K u m a r

Rajesh A. Kumar — 9806230294



“Such law,” of course, refers to the *Commission’s plan* described in the preceding sentence. Any other reading would turn Section 305 on its head and permit the Council to redraw district lines with none of the checks or balances of the legislative process, including the executive veto.

The Commission’s plan becomes effective by operation of law “if the Council passes no other law” by the “last day of November.” Sec. 305. The vehicle of a simple Council resolution is appropriate simply to confirm and codify that this defaulting event had occurred, and that because the Council passed no law, the Commission’s plan became law.

In 2012, the Council adopted and the voters ratified CB 55-2012, which allowed the Council to use a simple resolution to acknowledge a legislative fact, when the Commission’s plan became effective by operation of law. Yet the Council wants CB 55-2012 to do more than it actually does. It likens Section 305 to the Maryland Constitution’s requirement that the General Assembly must adopt its own redistricting plan via resolution. But in contrast to Section 305 of the Charter, which expressly requires the Council to pass a “law” if it wishes to override the Commission’s plan, the Maryland Constitution expressly requires the legislature to act by resolution. *See* Md. Const., Art. III, Sec. 5.<sup>1</sup>

As the parties agreed below, there are no disputed facts here. The trial judge gave effect to the plain language of the Charter. As it has done in the past, the Court should exercise its discretion, under Md. Rule 8-303(f)(3) to summarily affirm the judgment of the lower court. *See, e.g., Anne Arundel County Taxpayers Ass’n v. Anne Arundel County Bd. of Elections*, 415 Md. 433, 2 A.3d 1095 (2010); *McHale v. Hagberg*, 415 Md. 431, 2 A.3d 1094 (2010).

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<sup>1</sup> Art. III, Sec. 5 provides in pertinent part that “... [t]he General Assembly may by joint resolution adopt a plan setting forth the boundaries of the legislative districts for the election of members of the Senate and the House of Delegates[.]”

**A. Background.**

For more than four decades, the Prince George's County Charter has given primary responsibility for the redistricting process to an independent commission. Although Section 305, the redistricting provision of the Charter, has been amended several times,<sup>2</sup> its basic provisions have remained unchanged.

A commission is appointed with at least two members from any political party polling at least fifteen percent of the vote in the preceding regular County Council election. By September 1 of the year prior to redistricting becoming effective, the Commission shall "prepare, publish and make available a plan of council districts." Sec. 305. The plan shall provide for Council districts that are "compact, contiguous, and equal in population." *Id.* After the plan is submitted to the County Council, it shall hold a hearing on the plan in "no less than fifteen calendar days and no more than thirty calendar days." *Id.* If the Council passes "no other law" changing the Commission's plan by the "last day of November," then the Commission's plan automatically becomes effective by operation of law.

The full text of Section 305 provides as follows:

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is to be effective, the Commission

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<sup>2</sup> In 2002, the Charter was amended to revise the schedule of hearings and submission of the Commission's plan, and to clarify that the Commission plan would become law if "no other law" were adopted by the Council "as of the last day of November." *See* CB 69-2002, ratified November 6, 2002.

shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. *If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council,* subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

**B. The 2021 Councilmanic Redistricting Plan.**

On January 28, 2021 the Prince George's County Council appointed the County Redistricting Commission pursuant to Section 305.<sup>3</sup> Throughout the spring and summer of 2021, the Commission held eleven public meetings and two public hearings. The Commission received several written submissions, inquiries, and alternate redistricting plans to consider.

With the benefit of extensive public input, the Commission submitted their plan to the Council on September 1, 2021, accompanied by a 52-page report.<sup>4</sup> The Council held a hearing on the Commission's plan on September 28, 2021. The Commission's plan created nine councilmanic districts consistent with the data from the 2020 Census, and complied with the laws governing the redistricting process as set forth in Section 2 of the federal Voting Rights Act, and the redistricting criteria set forth by the Supreme Court.

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<sup>3</sup> David C. Harrington, president of the County Chamber of Commerce, and Dr. Charlene Dukes, former president of the Prince George's Community College and former chair of the Maryland State Board of Education, were appointed to the Commission as members, and Rev. James J. Robinson was appointed as the Chair of the Commission. Dr. Nathaniel Persily, the James B. McClatchy Professor of Law, Stanford Law School, served as consultant to the 2021 Redistricting Commission.

<sup>4</sup> See Redistricting Commission-Plan and Report <https://pgccouncil.us/DocumentCenter/View/6648/2021-Redistricting-Commission-Report>

Sidelining the Commission’s plan, the Council introduced its own redistricting plan as Bill CB 115-2021 on October 19, 2021. On November 16, 2021 the Council purported to adopt its own redistricting plan, approving Resolution CR 123-2021 by a vote of 6-3. The Council’s adoption of its own plan created a public outcry. *See* Plaintiff’s Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction, at D. 39 (citing Rachel Chason, *Accusations of gerrymandering have deepened divisions in this Democratic suburb near D.C.*,” THE WASHINGTON POST, November 10, 2021). Over 150 residents appeared at the hearing in opposition to the Council’s plan. None spoke in favor of it.

Respondents filed a complaint for declaratory judgment and writ of mandamus challenging the Council’s use of a resolution and not a bill to enact their own plan. Respondents are all citizens and registered voters of the County who were aggrieved by various aspects of the Council’s plan, including the division of Vansville, an historically African-American community, into two councilmanic districts,<sup>5</sup> and the division of Old Town College Park into two councilmanic districts.<sup>6</sup>

The Circuit Court held a hearing on January 28, 2021. The court found that the “operative facts were not in dispute” and that “the issue to be decided is strictly a question of law ....” The court held that the Council’s resolution, CR 123-2021, “is not effective to the extent its intent is to serve as a “law ... changing the Commission’s plan.” Order and Decl. Judg. at D. 113-114. It held that because “no other law” had been passed changing the Commission’s plan, that the Commission’s plan “became law” on the last day of November. *Id.*

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<sup>5</sup> Plaintiff’s Complaint, D.18-31 at ¶4.

<sup>6</sup> *Id.* at ¶2.

In its petition, the County complained about the alleged delay in bringing this action. But it never raised this issue below and failed to preserve it. The only reference to delay was the Council's complaint that Respondents did not challenge the CB 55-2012 ballot question in 2012. (See Transcript, p. 31, lines 1-5). Respondents are not challenging the validity of that as a referendum.

Defendant Prince George's County noted an appeal on February 1, 2021, and the case was docketed in the Court of Special Appeals as *Prince George's County v. Thurston, et al.*, Sept. Term 2021, No. 1865. On February 7, 2021, Prince George's County filed the instant petition.

**I. ARGUMENT**

**A. The Council was constrained by the provisions of Section 305 of the County Charter to adopt a bill, not a resolution.**

The Charter was adopted by the voters of Prince George's County on November 3, 1970. This Court has repeatedly recognized that a county charter is equivalent to a constitution. *See, e.g., Save Our Streets v. Mitchell*, 357 Md. 237, 248 (2000). Like the federal constitution and the fifty state constitutions, the County Charter "provide[s] a broad organizational framework establishing the form and structure of government in pursuance of which the political subdivision is to be governed and local laws enacted." *Cheeks v. Cedlair Corp.*, 287 Md. 595, 607 (1980).

The General Assembly granted express powers to the governments of home rule counties, including requirements for legislation and that it be advertised.<sup>7</sup> The Council cannot enact laws

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<sup>7</sup> Art. XI-A, Section 3 provides in pertinent part that "all legislation shall be enacted at the times so designated for that purpose in the charter, and the title or a summary of all laws and ordinances proposed shall be published once a week for two successive weeks prior to enactment followed by publication once after enactment in at least one newspaper of general circulation in the county, so that the taxpayers and citizens may have notice thereof."

by any other means, except those provided in the Charter. Article XI-A, Section 2 of the State Constitution provides that the express powers granted to a charter county “shall not be enlarged or extended ... but ... by the General Assembly.” *See also* Express Powers Act, Md. Code Ann. LOCAL GOVERNMENT §§ 10-101, *et seq.*

- 1. The County Charter provides that the Commission’s redistricting plan becomes law if the Council enacts “no other law” with a different plan. The resolution adopted by the Council purporting to substitute its plan for the Commission’s is not a “law.”**

Section 305 of the Charter plainly provides that unless the Council passed another law changing the Commission’s plan, then the Commission’s plan “shall become law, as of the last day of November.”

If the Council *passes no other law* changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321<sup>8</sup> of this Charter.

Sec. 305 (emphasis added).

In other words, *by operation of the law*, the Commission plan became law “on the last day of November” absent the Council’s enactment of another law changing the Commission’s plan. The Charter declared that “if no other law” changing the proposal were enacted, then the Commission’s plan “as submitted” would be treated as an act of the Council.

Significantly, the Charter made this default adoption of the Commission plan expressly subject to only two other provisions of the Charter, Sections 320 and 321, which govern publication and codification *after* the plan became law, ensuring that the redistricting plan be codified since it now had the force and effect of law. This “operation of law” provision did not

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<sup>8</sup> These sections require publication and codification after enactment, but none of the procedural requirements associated with legislation, such as publication or the executive veto.

require any action by the Council, other than ensuring the subsequent publication and codification of the Commission's plan.

**2. The 2012 amendment to Section 305 did not change this.**

In 2012, the Council adopted, and the voters subsequently ratified, an amendment adding a single sentence to Section 305. *See* CB 55-2012. The plain language provides that if the Commission's plan "become[s] law [on] the last day of November," then the Council shall adopt a resolution to that effect upon notice and public hearing:

If the Council passes no other law changing the proposal, then *the plan, as submitted, shall become law*, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing. [Emphasis supplied, new law underscored]

The Council argues that "such law" refers back to the language "if the Council passes no other law." But this reading runs afoul of the plain language of the Charter and long-standing rules of statutory construction involving legislative use of the word "such." As this Court has held, "'[s]uch' is a relative adjective referring back to and identifying something previously spoken of. 'Such' naturally, by grammatical usage, refers to the last preceding antecedent."<sup>9</sup> *Board of Supervisors of Elections v. Weiss*, 217 Md. 133, 138, 141 A.2d 734, 737 (1958). Here, the preceding antecedent is the "plan, as submitted, shall become law." The "last preceding antecedent rule" has been a uniform rule of construction for more than a century.<sup>10</sup>

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<sup>9</sup> The relative pronoun here ("such") comes "as a rule" after its antecedent here ("the plan, as submitted, shall become law"). *See* *The Elements of Style*, *The Elements of Style*. Strunk, W., Jr. and White, E.B., p. 15. Under no rules of statutory construction or basic grammar could the antecedent to the pronoun "such" here be the language "if the Council passes no other law changing the proposal."

<sup>10</sup> *See, e.g., United States v. Bowen*, 100 U.S. 508 (1879) (finding that the qualifying word such . . . restricted the referent to the class of individuals described in the sentence which immediately preceded it) (cleaned up); *United States v. Ahlers*, 305 F.3d 54, 59-61 (1st Cir. 2002) (finding that the use of the word such plainly referred back to the entire antecedent phrase

The trial court applied this exact rule of statutory construction to the use of “such” in the 2012 amendment:

How the court reads the sentence preceding the new language is this: There’s a clause that says if the council passes no other law changing the proposal and the Court finds that to change the law the council has to submit a bill to enact it, then “the plan, as submitted becomes law.” And that’s the sentence. That’s the active sentence there, the plan shall become law.” The court reads such law as relating back to the plan that becomes law in November. That’s how the court reads it. And the resolution is of an administrative character, that it’s a resolution adopting the plan that by operation of law becomes law.

Transcript, p. 60, lines 9-20.

The Council’s heavy reliance on *Harford v. Bd. of Supervisors*, 272 Md. 33, 321 A.2d 151 (1974) is curious here. The County Council in Harford, like the Council here, unsuccessfully attempted to substitute its own plan for the plan of the independent redistricting commission, but in that case acted too late, and the independent commission’s plan went into effect.

*Harford* stands for the unremarkable conclusion that the voters “meant what they said” in adopting a charter amendment. *Id.* at 40. That is surely true here. Importantly, *Harford* involved a nearly identical charter provision to Section 305. The trial judge in *Harford* trenchantly observed that it was

Clearly designed in a bipartisan fashion to prevent the unfortunate practice of ‘gerrymandering’ and the consequences which flow from it and to at least partially remove the important task of redefining Councilmanic districts from the field of partisan politics.

*Id.* at 36

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and thus retained a reference point that is specific and carefully circumscribed). The rule of the last antecedent holds that “a limiting clause or phrase . . . should ordinarily be read as modifying only the noun or phrase that it immediately follows.” *Barnhart v. Thomas*, 540 U. S. 20, 26 (2003).

In this case, the Council introduced a simple resolution, CR 123-2021, to adopt its own redistricting plan instead of the Commission's plan. But they had it backwards. The resolution process exists solely to codify the legislative fact that the Commission's plan became effective by operation of law, not to create "a law" as the Council must to adopt its own plan.

The Council claims that its own redistricting plan could be passed by simple resolution, exempt from all legislative procedural safeguards, including the executive veto. Redistricting is a fundamental exercise of legislative power. This Court has held that a Council cannot legislate by resolution to avoid executive veto, a critical component of the legislative process. *Montgomery County v. Anchor Inn Seafood Restaurant*, 374 Md. 327, 336, 822 A.2d 429, 434 (2000). Indeed, the Council itself has previously recognized this, adopting its own redistricting plan by bill, which was ultimately signed by the County Executive. *See* CB 64-2011.

The Council's act violates the legislative process required by the Charter, which states unequivocally that "[t]he Council shall enact no law except by bill."<sup>11</sup> Sec. 317. Section 305 expressly required a "law" for their own plan, but the Council acted without a bill.

Section 317 provides important procedural safeguards and the checks and balance associated with the passage of a bill. When a bill is introduced, the Council must provide a copy of the bill and notify the public of the time and place a hearing will be held on the bill. *See* Sec. 317.<sup>12</sup> If a hearing is held, and an amendment thereafter changes the substance of the bill, there

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<sup>11</sup> Charter Section 1017 provides the working definitions and rules of statutory construction. In subpart (h), it states "[t]he word 'shall' shall be construed as mandatory [.]"

<sup>12</sup> "On the introduction of any bill, a copy thereof and notice of the time and place of the public hearing on the bill shall be posted ... in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press .... Within ten days following the introduction of a bill the Clerk of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction."

must be a new hearing. *Id.*<sup>13</sup> Once a bill is enacted by the Council it must be presented to the County Executive. Sec. 411. The bill becomes law if the County Executive signs the bill, or fails to return the bill to the Council within ten days of presentment. *Id.* If the County Executive vetoes the bill, a two-thirds vote of the full Council can override the veto, and the bill becomes law. *Id.* Presentment to the County Executive is an indispensable part of the legislative process.

In contrast, the Charter has no procedural safeguards for resolutions generally. Section 1017(c) provides “[t]he word ‘resolution’ shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.” The Charter is replete with examples of “temporary or administrative” actions, not subject to executive veto, where it requires a resolution: temporary administrative appointments (Sec. 505), annual salary classifications (Sec. 903), annual tax levy (Sec. 811), bond pledges (Sec. 323), and exemptions of agencies from an annual audit (Sec. 313).

A bill, on the other hand, is defined by the Charter as any “measure introduced in the Council for legislative action.” Sec. 1017(a). That section goes on to provide that “[t]he words ‘act,’ ‘ordinance,’ ‘public local law,’ and ‘legislative act,’ when used in connection with any action by the Council, shall be synonymous and shall mean any bill enacted in the manner and form provided in this Charter.” Sec. 1017(b).

The distinction between bills and resolutions is well established in legislative bodies generally, both in Maryland and throughout the country. *See, e.g., Cape Girardeau v. Foudeu*, 30 Mo. App. 551 (1888) (“A resolution is merely a suggestion or a direction ... not submitted to

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<sup>13</sup> “After the public hearing, a bill may be finally enacted ... except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set ... as in the case of a newly introduced bill.”

the executive for his approval. A resolution is ordinarily passed without the forms and delays which are generally required by constitutions and municipal charters as prerequisites to the enactment of valid laws or ordinances.”); *Laidlaw Transit, Inc. v. Alabama Educ. Ass'n*, 769 So. 2d 782 (Ala. 2000) (“A resolution ... is not a law .... The Legislature has no power to make or change law by resolution”).

**C. Conclusion.**

Here, the Council needed a bill, not a resolution, to adopt its own redistricting plan. The court correctly interpreted Section 305. For the foregoing reasons, the Court should issue an order under Md. Rule 8-303(f)(3) summarily affirming the trial court’s decision.

Respectfully submitted,

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**CERTIFICATION OF WORD COUNT  
AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 3754 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements state in Rule 8-112.

/s/ Matthew G. Sawyer  
Matthew G. Sawyer (CPF 1506160278)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2022, a copy of the foregoing Answer to Petition and Request for summary Affirmance was filed and served via the Court's MDEC System.

/s/ Matthew G. Sawyer  
Matthew G. Sawyer (CPF 1506160278)

PRINCE GEORGE'S COUNTY

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IN THE

\*

COURT OF APPEALS

\*

OF MARYLAND

v.

\*

Petition Docket No. 405  
September Term, 2021

\*

(No. 1865, Sept. Term, 2021  
Court of Special Appeals)

\*

\*

(No. CAL22-01728, Circuit Court  
for Prince George's County)

ROBERT E. THURSTON, et al.

### ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals, the answer filed thereto, the Emergency Motion for Expedited Consideration and Relief of the Petition for a Writ of Certiorari, and the response to the motion, in the above-captioned case, it is this 11<sup>th</sup> day of February, 2022

**ORDERED**, by the Court of Appeals of Maryland, that the petition be, and it is hereby, **GRANTED**, and a writ of certiorari to the Court of Special Appeals shall issue; and it is further

**ORDERED**, that said case shall be transferred to the regular docket as No. 63, September Term, 2021 (COA-REG-0063-2021); and it is further

**ORDERED**, that the Emergency Motion for Expedited Consideration and Relief of the Petition for a Writ of Certiorari be, and it is hereby, **GRANTED IN PART** and **DENIED IN PART**; and it is further

**ORDERED**, that counsel shall e-file briefs and printed record extract in accordance with Md. Rules 8-501, 8-502, 20-403, 20-404 and 20-406, Appellant's brief and record extract to be filed on or before February 18, 2022; Appellees' brief(s) to be filed on or before February 25, 2022; Appellant's reply brief, if any, to be filed on or before March 1, 2022; and it is further

**ORDERED**, that the parties shall include, in the record extract or in appendices to their briefs, the relevant legislative history concerning §§ 305 and 317 of the Prince George's County Charter; and it is further

**ORDERED**, that this case shall be set for argument on Friday, March 4, 2022; and it is further

**ORDERED**, that Appellant's request for a stay of the order of the Circuit Court for Prince George's County be, and it is hereby, DENIED; and it is further

**ORDERED**, that the Appellees' request for a summary affirmance of the order of the Circuit Court for Prince George's County be, and it is hereby, DENIED.

/s/ Joseph M. Getty  
Chief Judge

\*Judge Gould did not participate in the Court's deliberations concerning this Order.

**PRINCE GEORGE'S COUNTY**

\*

**IN THE**

\*

**COURT OF APPEALS**

\*

**OF MARYLAND**

**v.**

\*

**Petition Docket No. 405  
September Term, 2021**

\*

**(No. 1865, Sept. Term, 2021  
Court of Special Appeals)**

\*

\*

**(No. CAL22-01728, Circuit Court  
for Prince George's County)**

**ROBERT E. THURSTON, et al.**

**WRIT OF CERTIORARI**

STATE OF MARYLAND, to wit:

TO THE HONORABLE JUDGES OF THE  
COURT OF SPECIAL APPEALS OF MARYLAND:

WHEREAS, PRINCE GEORGE'S COUNTY v. ROBERT E. THURSTON, et al, No. 1865, September Term, 2021 is pending before your Court and the Court of Appeals is willing that the record and proceedings therein be certified to it.

**YOU ARE HEREBY COMMANDED TO HAVE THE RECORD TRANSMITTED TO THE COURT OF APPEALS OF MARYLAND ON OR BEFORE February 25, 2022**, together with this writ, for the said Court to proceed thereon as justice may require.

WITNESS the Chief Judge of the Court of Appeals of Maryland this 11<sup>th</sup> day of February, 2022.

/s/ Suzanne C. Johnson  
Clerk  
Court of Appeals of Maryland

BILL NO. CB-92-1974

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1974

TITLE: Charter Amendment - re various provisions recommended for  
revision by Charter Review Committee.

INTRODUCED BY: Callow DATE: 5/21/74

REJECTED: \_\_\_\_\_ DATE: \_\_\_\_\_

FINAL READING: \_\_\_\_\_ DATE ENACTED: 6/28/74

OTHER: \_\_\_\_\_

RECORD OF COUNCIL VOTE

Councilman	Aye	Nay	Abstain	Absent	Aye	Nay	Abstain	Absent
Francois	X							
Bogley	X							
Burcham	X							
Callow	X							
Garrity	X							
Hart	X							
Kelly	X							
Potts	X							
Reeder	X							
Spellman	X							
White	X							
Total	11							

TOTAL AYES: 11 TOTAL NAYS: \_\_\_\_\_ TOTAL ABSTENTIONS: \_\_\_\_\_

TOTAL ABSENT: \_\_\_\_\_ RESULT: ENACTED

REFERENDUM PETITION FILED:

## 1 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2 Legislative Session 19743 Presented By Councilman Charles Callow4 Introduced by Councilman Callow5 Bill No. CB-92-19746 Chapter No. 507 Introduced By Council On May 21, 1974

## 8 A BILL ENTITLED

9 AN ACT to amend the Prince George's County Charter for sub-  
10 mission to the voters at the 1974 General Election providing for,  
11 the publishing of redistricting lines, the inclusion of the Clerk  
12 to the Council in the merit system, authorizing the acceptance of  
13 independent audits from a Certified Public Accountant, changing  
14 three days to 5 days for posting of bills and setting public  
15 hearings thereon, eliminating 20 day limitation on public hearings  
16 for appointments, changing three days to five days for submission  
17 of bills to the Executive, requiring cause for removal of members  
18 of Board of Ethics, eliminating warehousing from duties of pur-  
19 chasing agent, including sex in non-discrimination clause,  
20 eliminating preliminary studies and surveys from definition of  
21 capital project, defining capital budget as projects scheduled to  
22 begin in first fiscal year, eliminating possibility of dual referen-  
23 dums, clarifying levy actions and supplement appropriations by  
24 resolution changing minimum controlled purchases from \$150.00 to  
25 an amount fixed by legislative act, define bonds as general ob-  
26 ligation bonds, remove dates from bond authorization ordinance,  
27 remove Clerk of Council from exempt service and include an aide  
28 for each member of Council and Council Administrator in exempt ser-  
29 vice, transfer authority of Council under conflict of Interest to  
30 Board of Ethics, clarify responsibility of Officers and Employees  
31 to supply council information, clarify the term resolution, and  
32 change the provision as to gender and remove from the Charter the

1 transitional provisions of Article XII.

2 SECTION 1. BE IT ENACTED By the County Council of Prince  
3 George's County, Maryland that the Charter is amended as follows:

4 SECTION 305 - Redistricting Procedure

5 The boundaries of Councilmanic districts shall be reestablished in  
6 1972 and every tenth year thereafter. Whenever district boundaries  
7 are to be reestablished the Council shall appoint, not later than  
8 February 15 of the year prior to the year in which redistricting is  
9 to be effective, a commission on redistricting, composed of two  
10 members from each political party chosen from a list of five names  
11 submitted by the Central Committee of each political party which  
12 polled at least fifteen percent of the total vote cast for all can-  
13 didates for the Council in the immediately preceding regular elec-  
14 tion. The Council shall appoint one additional member of the Com-  
15 mission. The Commission shall, at its first meeting, select one of  
16 its members to serve as chairman. No person shall be eligible for  
17 appointment to the Commission if he holds any elected office. By  
18 October 1 of the year prior to the year in which redistricting is to  
19 be effective, the Commission shall prepare, publish, and make avail-  
20 able a plan of Councilmanic districts and shall present that plan,  
21 together with a report explaining it, to the Council. The plan  
22 shall provide for Councilmanic districts that are compact, con-  
23 tiguous, and equal in population. No less than fifteen calendar  
24 days and no more than thirty calendar days after receiving the plan  
25 of the Commission, the Council shall hold a public hearing on the  
26 plan. If within seventy calendar days following presentation of  
27 the Commission's plan no other law reestablishing the boundaries  
28 of the Councilmanic districts has been enacted, then the plan, as  
29 submitted, shall become law, as an act of the Council, subject to  
30 Sections 320 and 321 of this charter.

31 SECTION 312 - Clerk of the Council

32 There shall be a Clerk of the Council who shall keep minutes of its

1 meetings, maintain its Journal and perform such other duties as the  
2 Council may direct. [The Clerk of the Council shall serve at the  
3 pleasure of the Council and shall receive such compensation as the  
4 Council may determine.]

5 SECTION 313 - Office of Audits and Investigations

6 There shall be an Office of Audits and Investigations, under the  
7 supervision and direction of a County Auditor who shall be appoin-  
8 ted by the Council. The County Auditor shall serve at the pleasure  
9 of the Council and shall receive such compensation as the Council  
10 may determine. The Auditor shall, not later than three months  
11 after the close of each fiscal year, prepare and submit to the  
12 Council and to the County Executive a complete financial audit for  
13 the preceding fiscal year of all agencies that receive or disburse  
14 County funds. Upon recommendations by the Auditor that a State  
15 audit in a given year is adequate, the Council may, by resolution,  
16 exempt from County audit an agency whose entire records, accounts,  
17 and affairs are completely audited each year by or with the app-  
18 roval of the State of Maryland or an independent audit by a  
19 qualified independent Certified Public Accountant. Any such  
20 resolution of exemption from audit shall be limited to a period of  
21 not more than one year. In addition to the annual audit, either  
22 the Council or the County Executive may at any time order a special  
23 audit of the accounts of any agency receiving or disbursing County  
24 funds, and upon the death, resignation, removal or expiration of  
25 the term of any County administrative officer, the Auditor shall  
26 cause a special audit to be made of the accounts maintained by the  
27 officer, and by his agency. If, as a result of any audit, an  
28 officer shall be found to be indebted to the County, the County  
29 Executive shall proceed forthwith to collect the indebtedness. In  
30 the event that the County Executive shall be found to be indebted  
31 to the County, the Council shall proceed forthwith to collect the  
32 indebtedness. The Auditor is also empowered to conduct perfor-

1 mance audits of any agency which is the recipient of funds approp-  
2 riated or approved by the Council whenever he deems it appropriate,  
3 and he is hereby directed to conduct a performance audit of each  
4 agency at least once every four years. Any audit, including per-  
5 formance audits, special audits, and State audits which form the  
6 basis for an exemption by the Council from a County audit, shall be  
7 published in suitable form and made available to the public at  
8 reasonable hours at the Office of Audits and Investigations. All  
9 records and files pertaining to the receipt and expenditure of  
10 County funds by all officers, agents, and employees of the County  
11 and all agencies thereof, shall at all times be open to the inspec-  
12 tion of the County Auditor. The Auditor shall promptly call to the  
13 attention of the Council and the County Executive any irregularity  
14 or improper procedure which he may discover. The Council shall  
15 have the power to implement the provisions of this section and to  
16 assign additional functions, duties, and personnel to the County  
17 Auditor.

18 SECTION 317 - Enactment of Legislation

19 Every law of the County shall be styled: 'Be it enacted by the  
20 County Council of Prince George's County, Maryland.' The Council  
21 shall enact no law except by bill. The subject of every law shall  
22 be described in its title. Every law enacted by the Council,  
23 except the budget law and supplementary appropriation laws, shall  
24 embrace but one subject. No law or section of law shall be revived  
25 or amended by reference to its title only. A bill may be introd-  
26 uced by any member of the Council on any legislative session-day  
27 of the Council. On the introduction of any bill, a copy thereof  
28 and notice of the time and place of the hearing on the bill shall  
29 be posted by the Clerk of the Council within [seventy-two hours]  
30 five days on an official bulletin board to be set up by the Council  
31 in a public place. Additional copies of the bill shall be made  
32 available to the public and to the press. Every copy of each bill

1 shall bear the name of the member of the Council introducing it and  
2 the date it was introduced. Within [seventy-two hours] five days  
3 following the introduction of a bill the Chairman of the Council  
4 shall schedule and give public notice of a public hearing on the  
5 bill, which hearing shall not be less than fourteen days after its  
6 introduction. The Council may reject any bill on its introduction  
7 without a hearing by a vote of two-thirds of the members of the  
8 full Council. Such public notice shall be published in the County  
9 newspapers of record as defined in Section 1008 of this Charter.  
10 The public hearing may, but need not be, held on a legislative  
11 session-day and may be adjourned from time to time. After the  
12 public hearing, a bill may be finally enacted on a legislative  
13 session-day with or without amendment, except, that if a bill is  
14 amended before enactment and the amendment constitutes a change  
15 of substance, the bill shall not be enacted until it is reprinted  
16 or reproduced as amended and a public hearing shall be set thereon  
17 and proceedings had, as in the case of a newly introduced bill.  
18 Any bill not enacted by the last day of November of each year shall  
19 be considered to have failed. To meet a public emergency affect-  
20 ing the public health, safety, or welfare, the County may enact  
21 emergency bills. Every emergency bill shall be plainly designated  
22 as such and shall contain, after the enacting clause, a declara-  
23 tion stating that an emergency exists and describing the claimed  
24 emergency in clear and specific terms. The term "emergency bill"  
25 shall not include any measure creating or abolishing any office;  
26 changing the compensation, term, or duty of any officer; granting  
27 any franchise or special privilege; or creating any vested right  
28 or interest. No bill shall be enacted except by the affirmative  
29 vote of a majority of the full Council. No emergency bill shall  
30 be enacted except by an affirmative vote of two-thirds of the  
31 members of the full Council.

32

1 SECTION 319 - Referendum

2 Any law which becomes law pursuant to this Charter may be peti-  
3 tioned to referendum, except a law: (1) imposing a tax; (2) appro-  
4 priating funds for current expenses of the County government;  
5 (3) establishing Councilmanic districts; (4) amending a zoning  
6 map; or (5) granting a special exception to zoning regulations.

7 Upon the adoption of the Capital Budget any new project not pre-  
8 viously contained in the Capital Budget and any additions consti-  
9 tuting an enlargement of a project shall be subject to referendum.

10 Once a project has been approved by referendum, that portion of  
11 a subsequent Bond Enabling Act or Bond Issue Authorization Ord-  
12 inance relating to the project shall not be subject to referendum,  
13 and if a bond enabling bill including the project and identifying  
14 it is approved by referendum that portion of any subsequent bond  
15 issue authorization ordinance relating to the project shall not  
16 be subject to referendum. A law shall be submitted to a referendum

17 of the voters upon petition of ten thousand (10,000) qualified  
18 voters of the County. Such petition shall be filed with the Board  
19 of Supervisors of Elections of Prince George's County within forty-  
20 five calendar days from the date the bill becomes law. If more  
21 than one-third but less than the full number of signatures required  
22 to complete any referendum petition against such law be filed  
23 within forty-five calendar days from the date the bill becomes law,  
24 the effective date of the law, and the time for filing the remain-  
25 der of signatures to complete the petition shall be extended for  
26 an additional forty-five calendar days. If such a petition is  
27 filed, the law to be referred shall not take effect until thirty  
28 calendar days after its approval by a majority of the qualified  
29 voters of the County voting thereon at the next ensuing regular  
30 election held for members of the House of Representatives of the  
31 United States. An emergency law shall remain in force from the  
32 date it becomes law notwithstanding the filing of such petition,

1 but shall stand repealed thirty calendar days after having been  
2 rejected by a majority of the qualified voters of the County  
3 voting thereon. A petition may consist of several papers, but  
4 each paper shall contain the text or a fair summary of the law  
5 being petitioned upon; and there shall be attached to each such  
6 paper an affidavit of the person procuring the signatures thereon  
7 that, to the said person's own personal knowledge, each signature  
8 thereon is genuine and bona fide, and that, to the best of his  
9 knowledge, information, and belief, the signers are qualified  
10 voters of Prince George's County, as set opposite their names.  
11 A minor variation in the signature of a petitioner between his  
12 signature on a petition and that on the voter registration records  
13 shall not invalidate the signature. The invalidation of one sig-  
14 nature on a referendum petition shall not serve to invalidate any  
15 other signature on the petition. Each petitioner shall include  
16 his address and the date of his signature opposite his name. The  
17 Board of Supervisors of Elections shall verify the qualification  
18 of said petitioners.

19 SECTION 322 - Confirmation of Administrative Appointments  
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1 Administrative appointments by the County Executive to the position  
2 of Chief Administrative Officer, head of an agency in the executive  
3 branch of the County government, or member of a board or commission  
4 shall be subject to confirmation by the Council. The Council shall  
5 hold public hearings on all such appointments not less than ten  
6 days [and not more than twenty days] after their submission to the  
7 Council by the County Executive. If the Council fails to act to  
8 confirm or reject such appointments within thirty days of their  
9 submission to the Council by the County Executive, the appointment  
10 shall stand approved. In the case of appointments by the County  
11 Executive to the position of Chief Administrative Officer or head  
12 of an agency in the executive branch of the County government, a  
13 vote of two-thirds of the members of the full Council shall be re-  
14 quired to reject such appointment. In the case of appointments by  
15 the County Executive to membership on a board or commission, a  
16 vote of a majority of the full Council shall be required to reject  
17 such appointment.

18 SECTION 411 - Executive Veto

19 Upon the enactment of any bill by the Council, with the exception  
20 of such measures made expressly exempt from the executive veto by  
21 this Charter, it shall be presented to the County Executive within  
22 [three] five days for his approval or disapproval. Within ten days  
23 after such presentation, he shall return any such bill to the  
24 Council with his approval endorsed thereon or with a statement,  
25 in writing, of his reasons for not approving the same. Upon  
26 approval by the County Executive, any such bill shall become law.  
27 Upon veto by the County Executive, his veto message shall be  
28 entered in the Journal of the Council, and, not later than at its  
29 next legislative session-day, the Council may reconsider the bill.  
30 If, upon reconsideration, two-thirds of the members of the full  
31 Council vote in the affirmative, the bill shall become law. When-  
32 ever the County Executive shall fail to return any such bill with-

1 in ten days after the date of its presentation to him, the Clerk of  
2 the Council shall forthwith record the fact of such failure in the  
3 Journal, and such bill shall thereupon become law. In the case of  
4 budget and appropriation bills, the County Executive may disapprove  
5 or reduce individual items in such bills, except where precluded by  
6 State law. Each item or items not disapproved or reduced in a bud-  
7 get and appropriation bill shall become law, and each item or items  
8 disapproved or reduced in a budget and appropriation bill shall be  
9 subject to the same procedure as any other bill vetoed by the  
10 County Executive.

11 SECTION 507 - Removal of Members of Boards and Commissions  
12 Except for members of the Personnel Board established by Section  
13 906 of this Charter and the Board of Ethics as established by  
14 Section 1001 except as otherwise provided for by State law, a  
15 member of any appointed board or commission may be removed from  
16 office by the County Executive. Vacancies occurring in such office,  
17 other than by the expiration of the term, shall be filled by the  
18 County Executive in the same manner as the original appointment  
19 and for the unexpired balance of the term.

20 SECTION 602 - Duties of the County Purchasing Agent  
21 The duties of the County Purchasing Agent shall include respon-  
22 sibility for: (1) the making of all purchases and the contracting  
23 for all public work and services for which payment is to be made  
24 out of County funds: (2) [the establishment and operation of  
25 supply warehouses]; [(3)] (2) the development and operation of a  
26 system of property inventory and stores control in accordance with  
27 procedures established by the Director of Finance; [(4)] (3) the  
28 establishment, after consultation with the appropriate County  
29 officials, of specifications and standards for all supplies,  
30 materials and equipment, and the inspection of all deliveries to  
31 insure compliance with such specifications and standards; [(5)]  
32 (4) the establishment and maintenance of a system of requisitions

1 and receipts covering the furnishing of supplies, materials, and  
2 equipment to the various using agencies; [(6)] (5) the preparation  
3 for legislative action thereon by the Council of reasonable rules  
4 and regulations governing emergency purchases, **contracts**, and  
5 services or material and equipment of an unusual or non-competitive  
6 nature which shall not be subject to competitive bidding; [(7)]  
7 (6) the sale or other disposition of surplus, old, and waste  
8 supplies, materials, and equipment or the transfer of same between  
9 using agencies; and [(8)] (7) the conduct of programs involving  
10 joint or cooperative purchasing with other public jurisdictions.

11 SECTION 804 - Definition of Terms used in This Article

12 Section 804 (C)

13 The term "capital project" shall mean: (1) any physical public  
14 betterment or improvement [and any preliminary studies and surveys  
15 relative thereto];

16 Section 804 (D)

17 The term "capital budget" shall mean the plan of the County to  
18 receive and expend funds for capital projects scheduled to begin  
19 during the first fiscal year included in the capital program.

20 SECTION 809 - Contents of the Current Expense Budget

21 The proposed current expense budget shall contain the following  
22 information: (1) a statement of all revenue estimated to be  
23 received by the County during the ensuing fiscal year, classified  
24 so as to show the receipts by funds and sources of income; (2)  
25 a statement of debt service requirements for the ensuing fiscal  
26 year; (3) a statement of the estimated cash surplus if any, avail-  
27 able for expenditure during the ensuing fiscal year, and any esti-  
28 mated deficit in any fund required to be made up in the ensuing  
29 fiscal year; (4) an estimate of the several amounts which the  
30 County Executive deems necessary for conducting the business of  
31 the County to be financed from and not to exceed estimated revenue  
32 for the ensuing fiscal year; (5) a statement of the bonded and

1 other indebtedness of the County government and its agencies,  
2 including self-liquidating and special taxing district debt and  
3 contingent liabilities; (6) a statement of the proposed contin-  
4 gency reserves, all of which shall not exceed three per centum of  
5 the general fund and of any other fund; (7) a comparative state-  
6 ment of the receipts, amounts budgeted, and actual expenditures  
7 for the last completed fiscal year, the estimated receipts and  
8 expenditures of the currently ending fiscal year, and the expen-  
9 ditures recommended by the Executive for the ensuing fiscal year  
10 for each program or project which shall be classified by agency,  
11 character, and object; and (8) any other material which the County  
12 Executive may deem advisable or the Council may require [.] by  
13 resolution.

14 SECTION 814 - Action on the Budget by the Council

15 After the public budget hearing, the Council may not add new items  
16 but may increase, decrease, or delete any items in the budget  
17 except those required by the laws of this state or of this County,  
18 and except any provisions for debt service on obligations then  
19 outstanding or for estimated cash deficits. The Council shall  
20 have no power to change the form of the budget as submitted by  
21 the Executive or to alter the revenue estimates except to correct  
22 mathematical errors. The adoption of the current expense budget,  
23 the capital budget, and the capital program shall be by the  
24 affirmative vote of not less than a majority of the full Council  
25 by a law to be known as the Annual Budget and Appropriation Ord-  
26 nance of Prince George's County. Any borrowing to finance capital  
27 projects must be authorized by an existing law of the General  
28 Assembly of Maryland or by a law of the Council adopted in accord-  
29 ance with this Charter. The Council may adopt from time to time  
30 bond issue authorization ordinances pursuant to an enabling law  
31 or laws then in force and in effect to provide the means of finan-  
32 cing such capital projects as are to be financed from borrowing.

1 [In those cases where a project has been approved by the voters  
2 in a referendum on the capital budget or a portion thereof, the  
3 subsequent bond issue authorization ordinance covering such pro-  
4 jects shall not be subject to referendum.] The Annual Budget and  
5 Appropriation Ordinance shall be adopted by the Council on or  
6 before June 15 of each fiscal year, and if the Council fails to  
7 do so, the proposed current expense budget submitted by the  
8 County Executive shall stand adopted, and funds for the expendi-  
9 tures proposed in the current expense budget shall stand appro-  
10 priated as fully and to the same extent as if favorable action  
11 thereon had been taken by the Council.

12 SECTION 817 - Tax Levy and Balanced Budget

13 When the County budget shall have been finally adopted in the  
14 annual budget and appropriation ordinance, the Council shall  
15 thereupon by separate resolution levy and cause to be raised the  
16 amount of taxes required by the budget in the manner provided by  
17 law so that the budget shall be balanced as to proposed income  
18 and expenditures. The Council shall have no power to levy any  
19 tax not required by State law for the support of any agency which  
20 has failed to comply with the provisions of Sections 806 and 807  
21 of this Charter concerning the formulation of the capital budget,  
22 the capital program, and the current expense budget.

23 SECTION 819 - Supplementary Appropriations

24 During any fiscal year, the Council, upon the recommendation of  
25 the County Executive, may by [law] resolution, make additional  
26 or supplementary appropriations from unexpended and unencumbered  
27 funds set aside for contingencies in the County budget provided  
28 that the Director of Finance shall first certify in writing that  
29  
30  
31  
32

1 such funds are available for such appropriation. No supplemental  
2 appropriation shall exceed the amount of the funds so certified.

3 SECTION 820 - Emergency Appropriations

4 To meet a public emergency affecting life, health, or property,  
5 the Council may, by [law] resolution, upon recommendation of the  
6 County Executive, make emergency appropriations from contingent  
7 funds, from revenue received from anticipated sources but in excess  
8 of the budget estimates therefor, or from revenues received from  
9 sources not anticipated in the budget for the current fiscal year.

10 To the extent that there may be no available unappropriated  
11 revenues to meet such emergency appropriations, the Council may,  
12 by [law] Legislative Act, authorize the issuance of emergency  
13 notes which may be renewed from time to time. Such notes and  
14 renewals shall be paid not later than the last day of the fiscal  
15 year next succeeding that in which the emergency appropriation was  
16 made. The total of emergency appropriations in any fiscal year  
17 shall not exceed five per centum of all appropriations made in the  
18 budget for such year.

19 SECTION 823 - Appropriation Control and Certification of Funds

20 No agency of the County government shall during any fiscal year  
21 expend, or contract to expend, any money or incur any liability,  
22 or enter into any contract which, by its terms, involves the expen-  
23 diture of money for any purpose in excess of the amounts approp-  
24 riated or allotted for the same general classification of expen-  
25 diture in the budget for such fiscal year, or in any supplemental  
26 appropriation as hereinabove provided; and no such payment shall be  
27 made nor any obligation or liability incurred, except for purchases  
28 in [an amount less than one hundred and fifty dollars (\$150.00)] an  
29 amount to be fixed by legislative act, unless the Director of  
30 Finance or his designee shall first certify that the funds for the  
31 designated purpose are available. If any officer, agent or employee  
32 of the County government shall knowingly violate this provision, he

1 shall be personally liable and such action shall be cause, after  
2 public hearing, for his removal from office by the County Executive  
3 or by majority vote of the Council, notwithstanding the provisions  
4 of Article IX of this Charter. Nothing in this Charter shall  
5 prevent the making of contracts providing for the payment of funds  
6 at a time beyond the fiscal year in which such contracts are made,  
7 provided the nature of such transactions reasonably requires the  
8 making of such contracts. Any contract, lease or other obligation  
9 requiring the payment of funds from the appropriations of a later  
10 year shall be made or approved by legislative act. No contract  
11 for the purchase of real or lease-hold property shall be made  
12 unless the funds therefor are included in the capital budget.

13 SECTION 826 - Form and Term of Bonds

14 All general obligation bonds shall be in serial form and payable,  
15 as consecutively numbered, in annual installments, the first of  
16 which shall be payable not more than two years from the day of  
17 issue. Bonds shall be properly authenticated. Bonds may be regis-  
18 terable or non-registerable as to principal or interest. All  
19 interest coupons transferable by delivery shall be attached to the  
20 bonds and shall be properly authenticated. All bonds shall be  
21 made payable within the probable useful life of the improvement or  
22 undertaking with respect to which they are to be issued, or, if  
23 the bonds are to be issued for several improvements or under-  
24 takings, then within the average probable useful life of all such  
25 improvements or undertakings. In the case of a bond issue for  
26 several improvements or undertakings having different probable  
27 useful lives, the Council shall determine the average of said  
28 lives, taking into consideration the amount of bonds to be issued  
29 on account of each such improvement or undertaking, and the period  
30 so determined shall be the average period of useful life. The  
31 determination of the Council as to the probable useful life of any  
32 such improvement or undertaking shall be conclusive. No bonds

1 shall mature and be payable more than thirty years after their  
2 date of issuance.

3 SECTION 827 - Contents of Bond Issue Authorization Ordinances

4 Each Bond Issue Authorization Ordinance as referred to in Section  
5 814 of this Charter shall include a statement of the purpose or  
6 purposes of the issue, and if the purpose is to finance one or  
7 more capital projects, it shall describe each of them sufficiently  
8 for purposes of identification, but no capital project shall be  
9 included unless the amount included therein shall be deemed suf-  
10 ficient to complete at least a usable portion of such project.  
11 The Ordinance shall estimate the cost of the project or projects  
12 and the portion thereof to be defrayed from sources, specifically  
13 named, other than the proposed bond issues. The Ordinance shall  
14 also include the amount of the proposed issue; a statement showing  
15 that the proposed issue is within the legal limitation on the  
16 indebtedness of the County; the probable useful life of the project  
17 or average probable useful life of the projects to be financed;  
18 [the date of the issue; the dates of the first and last serial  
19 maturities; the dates on which the interest shall be paid]; a  
20 declaration that the principal of and the interest on the proposed  
21 issue are to be paid by ad valorem taxes on real estate and tan-  
22 gible personal property and intangible property subject to taxation  
23 by the County without limitation of rate or amount, and in addition,  
24 upon such other intangible property as may be subject to taxation  
25 by the County within limitations prescribed by law, except for  
26 self-liquidating bonds; and that the full faith and credit of the  
27 County are pledged to such payments. The Ordinance shall also  
28 recite the procedure for the public sale of the proposed issue  
29 and shall contain such other matters relating to the authorization,  
30 issuance or sale of the issue as the Council shall deem desirable.

31 SECTION 902 - Classified and Exempt Service

32 County positions shall be either in the classified or the exempt

1 services. The exempt service shall consist of: (1) elected  
2 officials; (2) The Chief Administrative Officer; (3) the heads of  
3 offices and departments in the executive branch; (4) members of  
4 boards and commissions; [(5) the Clerk of the Council;] [(6)] (5)  
5 the immediate staff of the County Executive, not to exceed five  
6 persons; [(7)] (6) the County Auditor; [(8)] (7) persons assigned  
7 to hourly rated positions for temporary or seasonal help, provided  
8 that such persons are not compensated for more than 700 hours work  
9 per twelve-month period; [(9)] (8) experts or specialists perform-  
10 ing temporary services; [(10)] (9) persons employed as attorneys-  
11 at-law, except hearing examiners; [and (11)] (10) employees re-  
12 quired to be covered by the State merit system [.]; (11) an Aide  
13 for each member of the County Council; and (12) the Council  
14 Administrator.

15 SECTION 1001 - Code of Ethics

16 The Council shall prescribe by law a code of ethics, and provide  
17 for the enforcement and penalties for violations thereof, covering all  
18 elected and appointed officers and employees of the County paid in  
19 whole or in part from County funds, and including persons appointed to  
20 serve on boards or commissions established by law. The code of ethics  
21 shall provide for the regulation of ex parte communications and for  
22 the disqualification of any person participating in the decision pro-  
23 cess if there is a conflict between his official duties and his private  
24 interests. The code of ethics shall also provide for the establishment  
25 of a three-member board to administer the code. Members of such board,  
26 to be known as the Board of Ethics, shall be appointed by the County  
27 Executive and confirmed by the Council for a term ending with that of  
28 the County Executive. A member of the board can only be removed by  
29 the County Executive subject to approval by the Council. Not more  
30 than two members of the Board shall be members of the same political party.

31 SECTION 1002 - Conflict of Interest

32 No officer or employee of the County, whether elected or appointed,

1 shall in any manner whatsoever be interested in, or receive any  
2 benefit from, the profits or emoluments of any contract, job, work,  
3 or service for the County. No such officer or employee shall  
4 accept any service or thing of value, directly or indirectly, upon  
5 more favorable terms than those granted to the public generally,  
6 from any person, firm, or corporation having dealings with the  
7 County; nor shall he receive, directly or indirectly, any part of  
8 the fee, commission, or other compensation paid or payable by the  
9 County, or by any person in connection with any dealings with the  
10 County, or by any person in connection with any dealings or pro-  
11 ceedings before any agency of the County government. No such  
12 officer or employee shall directly or indirectly be the broker or  
13 agent who procures or receives any compensation in connection with  
14 the procurement of any type of bonds for County officers, employees,  
15 persons, or firms doing business with the County. No such officer  
16 or employee shall solicit any compensation or gratuity in the form  
17 of money or otherwise for any act or omission in the course of his  
18 public work, except as provided by law or interstate compact;  
19 provided that the head of any department or board of the County  
20 may permit an employee to receive a reward publicly offered and  
21 paid for the accomplishment of a particular task. The provisions  
22 of this Section shall be broadly construed and strictly enforced  
23 for the purpose of preventing officers and employees from securing  
24 any pecuniary advantages, however indirect, from their public  
25 association, other than their compensation provided by law. In  
26 order to guard against injustice, the [Council] Board of Ethics  
27 may, by resolution, specifically authorize any County officer or  
28 employee to own stock in any corporation or to maintain a business  
29 in connection with any person, firm, or corporation dealing with  
30 the County, if, on full public disclosure of all pertinent facts  
31 to the [Council] Board of Ethics by such officer or employee, the  
32 [Council] Board of Ethics shall determine that such stock owner-

1 ship or connection does not violate the public interest. Any  
2 officer or employee of the County who willfully violates any of the  
3 provisions of this Section shall forfeit his office. If any person  
4 shall offer, pay, refund or rebate any part of any fee, commission,  
5 or other form of compensation to an officer or employee of the  
6 County in connection with any County business or proceeding, he  
7 shall, on conviction, be punishable by imprisonment for not less  
8 than one or more than six months or a fine of not less than \$100.00  
9 or more than \$1,000.00, or both. Any contract made in violation  
10 of this Section may be declared void by the County Executive or by  
11 resolution of the Council. The penalties in this Section shall be  
12 in addition to all other penalties provided by law.

13 SECTION 1005 - Official Lobbying

14 The Council shall not appropriate or approve any funds for any  
15 agency which receives or disburses County funds, other than for  
16 the immediate staff of the County Executive and the Council, to be  
17 used for the purpose of securing the passage or defeat of any  
18 legislation. No officer appointed by the County Executive or by  
19 the Council may, in his official capacity, recommend or request  
20 the passage or defeat of any legislation without the express prior  
21 approval of the County Executive or of the Council. Nothing  
22 herein shall preclude any officer or employee from providing  
23 public data or information in response to any official inquiry or  
24 making any recommendation required by law. Every officer or  
25 employee shall provide public data or information to the Council  
26 in response to an official inquiry or when making any recommen-  
27 dation required by law.

28 Section 1017 - Definitions and Rules of Construction

29 Section 1017 (D)

80 The word "law" shall be construed as including all acts, public  
81 local laws, ordinances, [resolutions], and other legislative acts  
82 of the Council, all ordinances and resolutions of the County  
Commissioners not hereby or hereafter amended or repealed, and all

1 public general laws and public local laws of the General Assembly  
2 in effect from time to time after the adoption of this Charter,  
3 whenever such construction would be reasonable.

4 Section 1017 (1) Whenever in this Charter the masculine gender is  
5 used, such words shall be construed to include the feminine gender  
6 [except where such construction would be absurd or unreasonable].

7 SECTION 2. BE IT FURTHER ENACTED that the transitional  
8 provisions of the Charter contained in Article XII, Sections 1201  
9 through Sections 1219 inclusive are hereby repealed.

10 SECTION 3. BE IT FURTHER ENACTED that a copy of this Act  
11 be transmitted to the County Executive for publication and a copy  
12 be transmitted to the Board of Election Supervisors.

13 SECTION 4. BE IT FURTHER ENACTED that this be placed on  
14 the ballot of the 1974 General Election in the following form.

15 "Proposed Charter Amendment"

16 Amendments proposed by Council Bill No. CB-92-1974, generally  
17 clarifying certain charter provisions, and making changes recom-  
18 mended by a Charter Review Committee.

19 Adopted this 28th day of June, 1974  
20 by a two-thirds vote of the full Council.

21 ATTEST: COUNTY COUNCIL OF PRINCE  
22 GEORGE'S COUNTY, MARYLAND

23  
24 Jean M. Schmuhl  
25 Jean M. Schmuhl, Clerk

26  
27  
28  
29  
30  
31 BY: Francis B. Francois  
Francis B. Francois  
32 Chairman

31 Underscored material indicates new matter being added to existing  
32 law.

[Brackets] indicate material being deleted from existing law.

**PRINCE  
GEORGE'S  
COUNTY**



**Courthouse,  
Upper Marlboro, Maryland 20870  
(301) 627-3000**

COUNTY COUNCIL - OFFICE OF THE CLERK

September 16, 1974

M E M O R A N D U M

TO: Francis B. Francois, Chairman  
FROM: Jean M. Schmuhl, Clerk *JMS*  
RE: CB-92-1974 (Charter amendments)

It has just come to my attention that the enacted copy of CB-92-1974 which is to be placed on the referendum ballot at the General Election in November contains an error.

Page 16, Line 12, item (11) now reads "any Aide . . ." whereas it should read, "an Aide . . ." The original draft from which the enacted bill was typed contained a typographical error and read, "and Aide . . ." Apparently, in correcting this draft for final typing, the stricken "d" was read by the typist to be a "y." We have researched the record on this bill and have concluded that no amendment was made to this word, and that a simple typographical error took place.

A copy of this Memorandum will be filed in the Journal with the executed original copy which will be corrected to remove the erroneous "y." All existing copies will be corrected and new bills transmitted to both the County Executive and the Board of Supervisors of Elections.

We have consulted with both Legislative Officer Lockhart and County Attorney Casula concerning this error and they concur with this procedure.

cc: William W. Gullett  
Robert J. Antonetti  
Joseph Casula  
Ken Duncan  
Lionell Lockhart  
The Journal ✓

REPORT OF THE  
CHARTER REVIEW COMMITTEE  
JULY 1973 - MARCH 1974

ARTICLE I - Name and Rights of the County

NO CHANGES

ARTICLE II - Individual Rights

NO CHANGES

ARTICLE III - Legislative Branch

Section 305 - Redistricting Procedure

"The boundaries of Councilmanic districts shall be reestablished in 1972 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission. The Commission shall, at its first meeting, select one of its members to serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By October 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Councilmanic districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Councilmanic districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within seventy calendar days following presentation of the Commission's plan no other law reestablishing the boundaries of the Councilmanic districts has been enacted, then the plan, as submitted, shall become law, as if part of the Council, subject to Sections 320 and 321 of this charter."

Section 314 - Other Employees

NO CHANGE

Section 315 - Special Assistance

NO CHANGE

COMMENT: The majority felt that no change was necessary.

The minority of the committee felt that changes were necessary to clarify the authority of Council to enter into contracts while limiting such authority to those areas specifically designated.

VOTE: For 4 Against 2

Section 316 - Council Sessions

NO CHANGE

Section 317 - Enactment of Legislation

"Every law of the County shall be styled: 'Be it enacted by the County Council of Prince George's County, Maryland.' The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Clerk of the Council within [seventy-two hours] five days on an official bulletin board to be set up by the Council in a public place. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. Within [seventy-two hours] five days following the introduction of a bill the Chairman of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a vote of two-thirds of the members of the full Council. Such public notice shall be published in the County newspapers of record as defined in Section 107 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended

before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council."

COMMENT: A recommendation was received from the Clerk of the Council to extend the posting requirement of a bill from 72 hours to 5 days. The committee unanimously endorsed this recommendation in order to accommodate the need described by the Clerk of the Council.

The committee recommends that the County Council initiate appropriate rules of procedure dealing with the introduction of legislation. These rules of procedure should be reviewed from time to time. Such procedural remedies should not appear in the organic document.

VOTE: Unanimous

Section 318 through 321

NO CHANGE

Section 322 - Confirmation of Administrative Appointments

"Administrative appointments by the County Executive to the position of Chief Administrative Officer, head of an agency in the executive branch of the County government, or member of a board or commission shall be subject to confirmation by the Council. The Council shall hold public hearings on all such appointments not less than ten days [and not more than twenty days] after their submission to the Council by the County Executive. If the Council fails to act to confirm or reject such appointments within thirty days of their submission to the Council by the County Executive, the appointment shall stand approved. In the case of appointments by the County Executive to the position of Chief Administrative



# THE PRINCE GEORGE'S COUNTY GOVERNMENT



**OFFICE OF LAW**  
Room 5121, County Administration Building  
Upper Marlboro, Maryland 20772  
(301) 952-4190  
Fax: (301) 952-3071

August 19, 2002

Ms. Robin Downs  
Administrator  
Prince George's County Board of Elections  
14701 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

RECEIVED  
02 AUG 19 PM 3:54  
SUPERVISORS OF ELECTIONS  
PRINCE GEORGE'S CO., MD

Dear Ms. Downs:

Pursuant to Article 33, Section 7-103 (c)(3) of the Maryland Annotated Code, I am transmitting the enclosed local ballot questions prepared by my office for the November 5, 2002 General Election.

Please do not hesitate to contact me, should you have any questions or need additional information.

Sincerely,

Leonard L. Lucchi  
County Attorney

Enclosure  
cc: Redis C. Floyd

County Administration Building — Upper Marlboro, Maryland 20772

**App 194**

QUESTION A CB-68

PROPOSED CHARTER AMENDMENT

BUDGET, FINANCE AND COUNTY PURCHASING

To revise the duties of the County Auditor and the Purchasing Agent; to amend certain procedures relating to competitive bidding; to remove specific references regarding the Office of Budget and the Office of Finance; to amend and delete certain procedures relating to the formation and adoption of the County budget; and to renumber and make conforming amendments to certain retained sections.

FOR

AGAINST

QUESTION B CB-69

PROPOSED CHARTER AMENDMENT

COUNTY COUNCIL - REDISTRICTING AND VACANCIES

To amend the provisions relating to the procedure for reestablishing the boundaries of Council districts; to amend the provisions pertaining to the filling of a vacancy in the office of Council member; and to make style and conforming amendments.

FOR

AGAINST

QUESTION C CB-70

PROPOSED CHARTER AMENDMENT

COUNTY PERSONNEL AND COUNTY COUNCIL POWERS

To provide for the removal of a Council member under certain circumstances; to provide for the establishment of a compensation review board to recommend the rate of compensation for the County Executive and Council members; to modify certain procedures relating to the enactment of legislation; to amend the procedure for the removal of certain appointed officials; to modify the allocation of positions between the exempt and classified service; to remove specific references regarding the Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the delegation of the Council's subpoena power.

FOR

AGAINST

QUESTION D

CB-71

PROPOSED CHARTER AMENDMENT

REPEALING OBSOLETE PROVISIONS AND MAKING VARIOUS PROVISIONS  
CONSISTENT WITH STATE LAW

To amend outdated provisions of the charter relating to equal rights and non-discrimination and access to public records; to make stylistic changes to the rules related to the computation of time; to repeal an obsolete provision relating to governmental liability; and to provide for the periodic review of the Charter.

FOR

AGAINST

QUESTION E

CB-62

CHARTER REQUIRED REFERENDUM

COUNTY BUILDINGS BONDS

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$7,500,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County Buildings, as defined therein.

FOR

AGAINST

QUESTION F

CB-63

CHARTER REQUIRED REFERENDUM

LIBRARY FACILITIES BONDS

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$1,750,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library Facilities, as defined therein.

FOR

AGAINST

QUESTION G

CB-64

**CHARTER REQUIRED REFERENDUM  
COMMUNITY COLLEGE FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$15,988,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Community College Facilities, as defined therein.

FOR

AGAINST

QUESTION H

CB-65

**CHARTER REQUIRED REFERENDUM  
PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$10,302,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire Department Facilities), as defined therein.

FOR

AGAINST

QUESTION I

CB-66

**CHARTER REQUIRED REFERENDUM  
PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$76,072,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance facilities), as defined therein.

FOR

AGAINST

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2002 Legislative Session**

Bill No. CB-69-2002

Chapter No. 48

Proposed and Presented by Council Member Shapiro

Introduced by Council Members Shapiro, Scott, Wilson, Bailey and Dernoga

Co-Sponsors \_\_\_\_\_

Date of Introduction July 9, 2002

**CHARTER AMENDMENT**

1 AN ACT concerning

2 Sections 305, 307, and 309, Charter of Prince George's County

3 For the purpose of proposing amendments to Sections 305, 307, and 309, of the Charter of Prince  
4 George's County to amend the provisions relating to the procedure for reestablishing the  
5 boundaries of Council districts; to amend the provisions pertaining to the filling of a vacancy in  
6 the office of Council member; and to make style and conforming amendments.

7 BY proposing amendments to:

8 Sections 305, 307, and 309,

9 Charter of Prince George's County, Maryland.

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that the following amendments to Sections 305, 307, and 309, Charter of Prince  
12 George's County, Maryland, are hereby proposed:

13 **Section 305. Redistricting Procedure.**

14 The boundaries of Council districts shall be reestablished in 1982 and every tenth year  
15 thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not  
16 later than [February 15] February 1 of the year prior to the year in which redistricting is to be  
17 effective, a commission on redistricting, composed of two members from each political party  
18 chosen from a list of five names submitted by the Central Committee of each political party  
19 which polled at least fifteen percent of the total vote cast for all candidates for the Council in the  
20 immediately preceding regular election. The Council shall appoint one additional member of the  
21 Commission[. The Commission shall, at its first meeting, select one of its members to] who

1 shall serve as chairman. No person shall be eligible for appointment to the Commission if he  
 2 holds any elected office. By [October 1] September 1 of the year prior to the year in which  
 3 redistricting is to be effective, the Commission shall prepare, publish, and make available a plan  
 4 of Council districts and shall present that plan, together with a report explaining it, to the  
 5 Council. The plan shall provide for Council districts that are compact, contiguous, and equal in  
 6 population. No less than fifteen calendar days and no more than thirty calendar days after  
 7 receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If  
 8 [within seventy calendar days following presentation of the Commission's plan no other law  
 9 reestablishing the boundaries of the Council districts has been enacted] the Council passes no  
 10 other law changing the proposal, then the plan, as submitted, shall become law, as of the last day  
 11 of November, as an act of the Council, subject to Sections 320 and 321 of this Charter.

12 **Section 307. Qualifications and Restrictions.**

13 A [Councilman] Council member shall be a qualified voter of Prince George's County at the  
 14 time of his election. During his term of office, he shall not hold any other office of profit in  
 15 state, county, or municipal government. A [Councilman] Council member shall not, during the  
 16 whole term for which he was elected, be eligible for appointment to any County office or  
 17 position carrying compensation which has been created during his term of office.

18 **Section 309 Vacancies.**

19 A vacancy in the Council shall exist upon the death or resignation of a [Councilman]  
 20 Council member, or upon forfeiture of or removal from office [by a Councilman]. The Council  
 21 shall provide by law for the conduct of special elections to fill any vacancy on the Council that  
 22 occurs during the first three years of a term. When a vacancy [has occurred more than ninety  
 23 days prior to the primary or general election referred to in Section 303] occurs during the last  
 24 year of a term, a majority of the remaining members of the Council shall [schedule a special  
 25 election within ninety days, but not less than thirty days,] appoint a qualified person to fill the  
 26 vacancy. [If a vacancy occurs within ninety days of the primary or general election referred to in  
 27 Section 303, the vacancy shall remain until the election of the member pursuant to Section 303  
 28 and Section 306. If a vacancy occurs within ninety days, but not less than thirty days, of any  
 29 other regularly scheduled election, the vacancy shall be filled at such election. The Council shall  
 30 provide by law for the conduct of special elections to fill vacancies on the Council that occur  
 31 during the first two years of a term.]

1 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
2 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
3 of Elections for submission of the proposed amendment to the voters of this County at the 2002  
4 General Election pursuant to Section 1105 of the Charter.

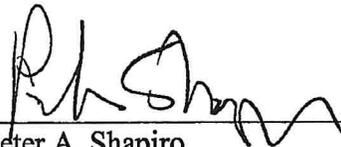
5 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
6 Charter Amendment shall be submitted to the voters of the County at the General Election  
7 occurring on November 5, 2002, and shall be placed on the ballot in the following form:  
8

9 PROPOSED CHARTER AMENDMENT

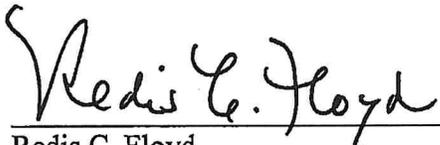
10 To amend the provisions relating to the procedure for reestablishing the boundaries of  
11 Council districts; to amend the provisions pertaining to the filling of a vacancy in the  
12 office of Council member; and to make style and conforming amendments.  
13

14 Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of  
15 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
Peter A. Shapiro  
Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

CB-69-2002 WAS APPROVED AT REFERENDUM ON 11/5/2002

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 7/30/2002

**Reference No.:** CB-69-2002

**Proposer:** Shapiro

**Draft No.:** 1

**Sponsors:** Shapiro, Scott, Wilson, Bailey, Dernoga

**Item Title:** A Charter Amendment to amend the provisions of the Charter relating to the procedure for reestablishing the boundaries of Council Districts; to amend the provisions pertaining to the filling of a vacancy in the Office of Council Member; and to make style and conforming amendments

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource Personnel:** Barbara L. Holtz, Deputy Chief  
Administrative Officer for  
Governmental Operations/  
Environmental Services

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**LEGISLATIVE HISTORY:**

**Date Presented:** \_\_/\_\_/\_\_

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:** \_\_/\_\_/\_\_

**Effective Date:** 12/6/2002

**Committee Action:** \_\_/\_\_/\_\_

**Date Introduced:** 7/9/2002

**Public Hearing:** 7/30/2002 10:00 A.M.

**Council Action:** 7/30/2002 ENACTED

**Council Votes:** PS:A, DB:A, TD:A, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** Approved at referendum on 11/5/2002

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**BACKGROUND INFORMATION/FISCAL IMPACT**

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

The proposed amendments to the County Charter will amend certain provisions relating to the redistricting procedure that follows each national census, amend the requirement for filling a vacancy on the Council to provide for appointment during the last year of a term, and make style and conforming amendments.

**CODE INDEX TOPICS:**

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND  
BY: Peter A. Shapiro  
Chair

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

### QUESTION B

#### COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2002 Legislative Session

Bill No. CB-69-2002  
Chapter No. 48  
Proposed and Presented by Council Member Shapiro  
Introduced by Council Members Shapiro, Scott, Wilson, Bailey and Dernoga  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 9, 2002

#### CHARTER AMENDMENT

AN ACT concerning

Sections 305, 307, and 309, Charter of Prince George's County

For the purpose of proposing amendments to Sections 305, 307, and 309, of the Charter of Prince George's County to amend the provisions relating to the procedure for reestablishing the boundaries of Council districts; to amend the provisions pertaining to the filling of a vacancy in the office of Council member; and to make style and conforming amendments.

BY proposing amendments to:

Sections 305, 307, and 309,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendments to Sections 305, 307, and 309, Charter of Prince George's County, Maryland, are hereby proposed:

#### Section 305. Redistricting Procedure.

The boundaries of Council districts shall be reestablished in 1982 and every tenth year

thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than [February 15] February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission[. The Commission shall, at its first meeting, select one of its members to] who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By [October 1] September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If [within seventy calendar days following presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted] the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter.

**Section 307. Qualifications and Restrictions.**

A [Councilman] Council member shall be a qualified voter of Prince George's County at the time of his election. During his term of office, he shall not hold any other office of profit in state, county, or municipal government. A [Councilman] Council member shall not, during the whole term for which he was elected, be eligible for appointment to any County office or position carrying compensation which has been created during his term of office.

**Section 309 Vacancies.**

A vacancy in the Council shall exist upon the death or resignation of a [Councilman] Council member, or upon forfeiture of or removal from office [by a Councilman]. The Council shall provide by law for the conduct of special elections to fill any vacancy on the Council that occurs during the first three years of a term. When a vacancy [has occurred more than ninety days prior to the primary or general election referred to in Section 303] occurs during the last year of a term, a majority of the remaining members of the Council shall [schedule a special election within ninety days, but not less than thirty days,] appoint a qualified person to fill the vacancy. [If a vacancy occurs within ninety days of the primary or general election referred to in Section 303, the vacancy shall remain until the election of the member pursuant to Section 303 and Section 306. If a vacancy occurs within ninety days, but not less than thirty days, of any other regularly scheduled election, the vacancy shall be filled at such election. The Council shall provide by law for the conduct of special elections to fill vacancies on the Council that occur during the first two years of a term.]

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2002 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 5, 2002, and shall be placed on the ballot in the following form:

PROPOSED CHARTER AMENDMENT

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2002 Legislative Session**

Bill No. CB-70-2002  
Chapter No. 49  
Proposed and Presented by Council Member Shapiro  
Introduced by Council Members Shapiro, Wilson, Bailey, Dernoga and Scott  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 9, 2002

**CHARTER AMENDMENT**

1 AN ACT concerning  
2 Sections 307B, 308, 317, 406, 507, 902, 905, 907, and 1012 Charter of Prince George's County  
3 For the purpose of proposing a new section 307B and amendments to Sections 307B, 308, 317,  
4 406, 507, 902, 905, 907, and 1012 of the Charter of Prince George's County to provide for the  
5 removal of a Council member under certain circumstances; to provide for the establishment of a  
6 compensation review board to recommend the rate of compensation for the County Executive  
7 and Council members; to modify certain procedures relating to the enactment of legislation; to  
8 amend the procedures for the removal of certain appointed officials; to modify the allocation of  
9 positions between the exempt and classified service; to remove specific references regarding the  
10 Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the  
11 delegation of the Council's subpoena power.

12 BY adding:  
13 Section 307B,  
14 Charter of Prince George's County, Maryland.

15 BY proposing amendments to:  
16 Sections 308, 317, 406, 507, 902,  
17 905, 907, and 1012,  
18 Charter of Prince George's County, Maryland.

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
20 Maryland, that the following new Section 307B and amendments to Section 308, 317, 406, 507,  
21 902, 905, 907, and 1012, Charter of Prince George's County, Maryland, are hereby proposed:

1 **Section 307B. Removal from Office.**

2 A Council member may be removed from office by the affirmative vote of not less than  
 3 two-thirds of the members of the full Council after a public hearing and only upon a finding that  
 4 he is unable by reason of physical or mental disability to perform the duties of his office. The  
 5 decision of the Council may be appealed by the Council member within ten days to the Circuit  
 6 Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision.  
 7 Upon appeal, the Court shall make de novo determinations of fact.

8 **Section 308. Compensation.**

9 [Councilmen shall receive compensation of not less than Forty Thousand Dollars  
 10 (\$40,000.00) per annum.] The compensation of [Councilmen] Council members may be  
 11 changed by an affirmative vote of not less than two-thirds of the members of the Council. Not  
 12 later than December 15 of the last year of each term, a compensation review board shall be  
 13 appointed by the Council and the County Executive to study the rate of current compensation for  
 14 Council members and the County Executive and make a recommendation regarding the amount  
 15 of compensation. The board shall issue its recommendation not later than the following  
 16 February 15. The Council may, within ninety days of the receipt of the compensation review  
 17 board's recommendation, amend the recommendation by a vote of not less than two-thirds of the  
 18 full Council, otherwise the recommendation shall stand approved. Any increase or decrease in  
 19 compensation which becomes law during one term of office shall not become effective before  
 20 the next term.

21 **Section 317. Enactment of Legislation.**

22 Every law of the County shall be styled: "Be it enacted by the County Council of Prince  
 23 George's County, Maryland." The Council shall enact no law except by bill. The subject of  
 24 every law shall be described in its title. Every law enacted by the Council, except the budget law  
 25 and supplementary appropriation laws, shall embrace but one subject. No law or section of law  
 26 shall be revived or amended by reference to its title only. A bill may be introduced by any  
 27 member of the Council on any legislative session-day of the Council. On the introduction of any  
 28 bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by  
 29 the Clerk of the Council within five days on an official bulletin board to be set up by the Council  
 30 in a public place and by any other such methods as the Council shall dictate. Additional copies  
 31 of the bill shall be made available to the public and to the press. Every copy of each bill shall

1 bear the name of the member of the Council introducing it and the date it was introduced.  
 2 Within five days following the introduction of a bill the [Chairman of the Council] Clerk of the  
 3 Council shall schedule and give public notice of a public hearing on the bill, which hearing shall  
 4 not be less than fourteen days after its introduction. The Council may reject any bill on its  
 5 introduction without a hearing by a majority vote [of two-thirds] of the members of the full  
 6 Council. Such public notice shall be published in the County newspapers of record as defined in  
 7 Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative  
 8 session-day and may be adjourned from time to time. After the public hearing, a bill may be  
 9 finally enacted on a legislative session-day with or without amendment, except, that if a bill is  
 10 amended before enactment and the amendment constitutes a change of substance, the bill shall  
 11 not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set  
 12 thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by  
 13 the last day of November of each year shall be considered to have failed. To meet a public  
 14 emergency affecting the public health, safety, or welfare, the County may enact emergency bills.  
 15 Every emergency bill shall be plainly designated as such and shall contain, after the enacting  
 16 clause, a declaration stating that an emergency exists and describing the claimed emergency in  
 17 clear and specific terms. The term "emergency bill" shall not include any measure creating or  
 18 abolishing any office; changing the compensation, term, or duty of any officer; granting any  
 19 franchise or special privilege; or creating any vested right or interest. No bill shall be enacted  
 20 except by the affirmative vote of a majority of the full Council. No emergency bill shall be  
 21 enacted except by an affirmative vote of two-thirds of the members of the full Council.

22 **Section 406. Compensation.**

23 [The County Executive shall receive compensation of not less than Thirty-Five Thousand  
 24 Dollars (\$35,000.00) per annum. His] The County Executive's compensation may be changed  
 25 by an affirmative vote of not less than two-thirds of the members of the [full] Council. Not later  
 26 than December 15 of the last year of each term, a compensation review board shall be appointed  
 27 by the Council and the County Executive to study the rate of current compensation for the  
 28 Council and the County Executive and make a recommendation regarding the amount of  
 29 compensation. The board shall issue its recommendation not later than the following February  
 30 15. The Council may, within ninety days of the receipt of the compensation review board's  
 31 recommendation, amend the recommendation by a vote of not less than two-thirds of the full

1 Council, otherwise the recommendation shall stand approved. Any increase or decrease in  
2 compensation which becomes law during one term of office shall not become effective before  
3 the next term.

4 **Section 507. Removal of Members of Boards and Commissions.**

5 Except for members of the Personnel Board established by Section 906 of this Charter, the  
6 Board of Ethics as established by Section 1001, [the executive director of any board or  
7 commission,] and except as otherwise provided for by State law, a member of any appointed  
8 board or commission may be removed from office by the County Executive. [In the case of an  
9 executive director of any board or commission, any such executive director may be removed by  
10 the County Executive, subject to approval by the County Council, provided that the County  
11 Executive shall transmit to the County Council a written statement of his reasons for the  
12 proposed removal of any such executive director. Vacancies occurring in such office, other than  
13 by the expiration of the term, shall be filled by the County Executive in the same manner as the  
14 original appointment and for the unexpired balance of the term.]

15 **Section 902. Classified and Exempt Service.**

16 County positions shall be either in the classified or the exempt services. The exempt  
17 service shall consist of: (1) elected officials; (2) the Chief Administrative Officer; (3) the  
18 [heads] directors and deputy directors of offices and departments in the executive branch; (4) the  
19 executive directors and members of boards and commissions; (5) the immediate staff of the  
20 County Executive [, not to exceed five persons]; (6) the County Auditor; (7) persons assigned to  
21 hourly rated positions for temporary or seasonal help, provided that such persons are not  
22 compensated for more than [700] 1800 hours work per 12 month period; (8) experts or  
23 specialists performing temporary services; (9) persons employed as attorneys-at-law, except  
24 hearing examiners; (10) employees required to be covered by the State merit system; (11) [an]  
25 aides for each member of the Council; (12) the Council Administrator, and (13) [Deputy Chiefs  
26 of Police, which shall be limited to three (3) persons] other positions recommended by the  
27 County Executive and approved by the County Council.

28 **Section 905. [Office of Personnel] Reserved.**

29 [There shall be an Office of Personnel headed by a Personnel Officer. The Personnel  
30 Officer shall be responsible to the County Executive for administration of the personnel policies  
31 established by this Charter or by law.]

1 **Section 907. Powers and Duties of the Personnel Board.**

2 The Personnel Board shall have the power and the duty: (1) to recommend to the Council  
 3 rules and regulations which shall have the force of law upon adoption by the Council; (2) [to  
 4 approve and disapprove agreements for the joint administration of examinations and the use of  
 5 eligibility lists concluded by the Personnel Officer with other public personnel offices or  
 6 departments; (3)] to hear appeals from employees in the classified service [or appeals by any  
 7 person who has taken or sought to take an examination] concerning any action of the Personnel  
 8 Officer or the appointing authority of the employee, except that the Personnel Board shall not  
 9 grant relief to employees covered by a collective bargaining agreement authorized by Section  
 10 908 of this Charter where that collective bargaining agreement contains a procedure which can  
 11 provide a remedy to the employee. After a hearing, which shall be public if so requested by the  
 12 aggrieved employee, the Personnel Board may issue such order as it finds proper by the facts  
 13 presented in the case. All data pertinent to the decision shall be subject to the scrutiny of the  
 14 aggrieved party or his attorney; [(4)] (3) to hear and decide for the County appeals from  
 15 employees concerning any action pertaining to the methods of examination, certification, or  
 16 preparation of eligibility lists for appointment or promotion; [(5)] (4) to advise and consult, as  
 17 appropriate, with County officials on matters concerning the administration of the County career  
 18 service and personnel rules and regulations and to report to the County Executive and the  
 19 Council on the operation of the personnel system; and [(6)] (5) to carry out such other functions  
 20 as may be assigned by law. In case of any appeal to the Personnel Board, its decision shall be  
 21 final on all parties concerned and may not be appealed to any other administrative board. Any  
 22 person aggrieved by a final decision of the Personnel Board may, within thirty calendar days,  
 23 appeal a decision to the Circuit Court of Prince George's County. Such appeal shall be limited to  
 24 errors of jurisdiction, errors of law, and clear abuse of discretion by the Personnel Board.

25 **Section 1012. Subpoena Power.**

26 The Council shall have the power to administer oaths, to compel the attendance of  
 27 witnesses, and to require the production of records and other materials in connection with any  
 28 investigation, inquiry, or hearing authorized by law or by this Charter. The Council may  
 29 delegate its powers recited herein.

30 SECTION 2. BE IT FURTHER ENACTED that the amendment to Section 902 to include  
 31 deputy directors of offices and departments of the Executive Branch in the exempt service shall

1 not apply to incumbents who are in those positions on the effective date of this amendment.

2 SECTION 3 BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
3 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
4 of Elections for submission of the proposed amendment to the voters of this County at the 2002  
5 General Election pursuant to Section 1105 of the Charter.

6 SECTION 4 BE IT FURTHER ENACTED that the question of adoption of this proposed  
7 Charter Amendment shall be submitted to the voters of the County at the General Election  
8 occurring on November 5, 2002, and shall be placed on the ballot in the following form:

9

10 PROPOSED CHARTER AMENDMENT

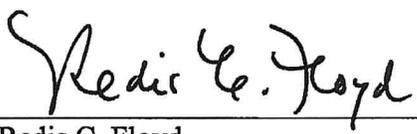
11 To provide for the removal of a Council member under certain circumstances; to provide  
12 for the establishment of a compensation review board to recommend the rate of  
13 compensation for the County Executive and Council members; to modify certain  
14 procedures relating to the enactment of legislation; to amend the procedure for the removal  
15 of certain appointed officials; to modify the allocation of positions between the exempt and  
16 classified service; to remove specific references regarding the Office of Personnel; to  
17 amend the jurisdiction of the Personnel Board; and to provide for the delegation of the  
18 Council's subpoena power.

1        Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of  
2 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
Peter A. Shapiro  
Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

CB-70-2002 WAS APPROVED AT REFERENDUM ON 11/5/2002

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 7/30/2002

**Reference No.:** CB-70-2002

**Proposer:** Shapiro

**Draft No.:** 1

**Sponsors:** Shapiro, Wilson, Bailey, Dernoga, Scott

**Item Title:** Charter Amendment concerning removal of Council Members and executive directors, salaries for the Council and County Executive; procedures for enacting legislation; the Office of Personnel and jurisdiction of the Personnel Board; delegation of the Council's subpoena power

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource** Barbara L. Holtz, Deputy Chief  
**Personnel:** Administrative Officer for  
Governmental Operations/  
Environmental Services

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**LEGISLATIVE HISTORY:**

**Date Presented:** \_\_\_/\_\_\_/\_\_\_

**Executive Action:** \_\_\_/\_\_\_/\_\_\_

**Committee Referral:** \_\_\_/\_\_\_/\_\_\_

**Effective Date:** 12/6/2002

**Committee Action:** \_\_\_/\_\_\_/\_\_\_

**Date Introduced:** 7/9/2002

**Public Hearing:** 7/30/2002 10:00 A.M.

**Council Action:** 7/30/2002 ENACTED

**Council Votes:** PS:A, DB:A, TD:A, JE:A, TH:A, TK:N; RVR:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** Approved at referendum on 11/5/2002

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**BACKGROUND INFORMATION/FISCAL IMPACT**

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

The propose amendments to the County Charter will provide for the removal of a Council member under certain conditions, establish a compensation review board to recommend salaries for the Council and County Executive, amend the procedure for advertising and enacting legislation, amend the process for removing executive directors of County boards and commissions, delete the requirement for the Office of Personnel, amend the jurisdiction of the Personnel Board, and provide for the delegation of the Council's subpoena power.

To amend the provisions relating to the procedure for reestablishing the boundaries of Council districts; to amend the provisions pertaining to the filling of a vacancy in the office of Council member; and to make style and conforming amendments.

Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: Peter A. Shapiro  
Chair

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

QUESTION C

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
2002 Legislative Session

Bill No. CB-70-2002  
Chapter No. 49  
Proposed and Presented by Council Member Shapiro  
Introduced by Council Members Shapiro, Wilson, Bailey, Dernoga and Scott  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 9, 2002

CHARTER AMENDMENT

AN ACT concerning  
Sections 307B, 308, 317, 406, 507, 902, 905, 907, and 1012 Charter of Prince George's County  
For the purpose of proposing a new section 307B and amendments to Sections 307B, 308, 317,  
406, 507, 902, 905, 907, and 1012 of the Charter of Prince George's County to provide for the  
removal of a Council member under certain circumstances; to provide for the establishment of a  
compensation review board to recommend the rate of compensation for the County Executive

and Council members; to modify certain procedures relating to the enactment of legislation; to amend the procedures for the removal of certain appointed officials; to modify the allocation of positions between the exempt and classified service; to remove specific references regarding the Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the delegation of the Council's subpoena power.

BY adding:

Section 307B,  
Charter of Prince George's County, Maryland.

BY proposing amendments to:

Sections 308, 317, 406, 507, 902,  
905, 907, and 1012,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following new Section 307B and amendments to Section 308, 317, 406, 507, 902, 905, 907, and 1012, Charter of Prince George's County, Maryland, are hereby proposed:

**Section 307B. Removal from Office.**

A Council member may be removed from office by the affirmative vote of not less than two-thirds of the members of the full Council after a public hearing and only upon a finding that he is unable by reason of physical or mental disability to perform the duties of his office. The decision of the Council may be appealed by the Council member within ten days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court shall make de novo determinations of fact.

**Section 308. Compensation.**

[Councilmen shall receive compensation of not less than Forty Thousand Dollars (\$40,000.00) per annum.] The compensation of [Councilmen] Council members may be changed by an affirmative vote of not less than two-thirds of the members of the Council. Not later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for Council members and the County Executive and make a recommendation regarding the amount of compensation. The board shall issue its recommendation not later than the following February 15. The Council may, within ninety days of the receipt of the compensation review board's recommendation, amend the recommendation by a vote of not less than two-thirds of the full Council, otherwise the recommendation shall stand approved. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

**Section 317. Enactment of Legislation.**

Every law of the County shall be styled: "Be it enacted by the County Council of Prince George's County, Maryland." The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Clerk of the Council within five days on an official bulletin board to be set up by the Council in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced.

Within five days following the introduction of a bill the [Chairman of the Council] Clerk of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a majority vote [of two-thirds] of the members of the full Council. Such public notice shall be published in the County newspapers of record as defined in Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council.

**Section 406. Compensation.**

[The County Executive shall receive compensation of not less than Thirty-Five Thousand Dollars (\$35,000.00) per annum. His] The County Executive's compensation may be changed by an affirmative vote of not less than two-thirds of the members of the [full] Council. Not later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for the Council and the County Executive and make a recommendation regarding the amount of compensation. The board shall issue its recommendation not later than the following February 15. The Council may, within ninety days of the receipt of the compensation review board's recommendation, amend the recommendation by a vote of not less than two-thirds of the full Council, otherwise the recommendation shall stand approved. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

**Section 507. Removal of Members of Boards and Commissions.**

Except for members of the Personnel Board established by Section 906 of this Charter, the Board of Ethics as established by Section 1001, [the executive director of any board or commission,] and except as otherwise provided for by State law, a member of any appointed board or commission may be removed from office by the County Executive. [In the case of an executive director of any board or commission, any such executive director may be removed by the County Executive, subject to approval by the County Council, provided that the County Executive shall transmit to the County Council a written statement of his reasons for the proposed removal of any such executive director. Vacancies occurring in such office, other than by the expiration of the term, shall be filled by the County Executive in the same manner as the original appointment and for the unexpired balance of the term.]

**Section 902. Classified and Exempt Service.**

County positions shall be either in the classified or the exempt services. The exempt service shall consist of: (1) elected officials; (2) the Chief Administrative Officer; (3) the

[heads] directors and deputy directors of offices and departments in the executive branch; (4) the executive directors and members of boards and commissions; (5) the immediate staff of the County Executive [, not to exceed five persons]; (6) the County Auditor; (7) persons assigned to hourly rated positions for temporary or seasonal help, provided that such persons are not compensated for more than [700] 1800 hours work per 12 month period; (8) experts or specialists performing temporary services; (9) persons employed as attorneys-at-law, except hearing examiners; (10) employees required to be covered by the State merit system; (11) [an] aides for each member of the Council; (12) the Council Administrator, and (13) [Deputy Chiefs of Police, which shall be limited to three (3) persons] other positions recommended by the County Executive and approved by the County Council.

**Section 905. [Office of Personnel] Reserved.**

[There shall be an Office of Personnel headed by a Personnel Officer. The Personnel Officer shall be responsible to the County Executive for administration of the personnel policies established by this Charter or by law.]

**Section 907. Powers and Duties of the Personnel Board.**

The Personnel Board shall have the power and the duty: (1) to recommend to the Council rules and regulations which shall have the force of law upon adoption by the Council; (2) [to approve and disapprove agreements for the joint administration of examinations and the use of eligibility lists concluded by the Personnel Officer with other public personnel offices or departments; (3)] to hear appeals from employees in the classified service [or appeals by any person who has taken or sought to take an examination] concerning any action of the Personnel Officer or the appointing authority of the employee, except that the Personnel Board shall not grant relief to employees covered by a collective bargaining agreement authorized by Section 908 of this Charter where that collective bargaining agreement contains a procedure which can provide a remedy to the employee. After a hearing, which shall be public if so requested by the aggrieved employee, the Personnel Board may issue such order as it finds proper by the facts presented in the case. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved party or his attorney; [(4)] (3) to hear and decide for the County appeals from employees concerning any action pertaining to the methods of examination, certification, or preparation of eligibility lists for appointment or promotion; [(5)] (4) to advise and consult, as appropriate, with County officials on matters concerning the administration of the County career service and personnel rules and regulations and to report to the County Executive and the Council on the operation of the personnel system; and [(6)] (5) to carry out such other functions as may be assigned by law. In case of any appeal to the Personnel Board, its decision shall be final on all parties concerned and may not be appealed to any other administrative board. Any person aggrieved by a final decision of the Personnel Board may, within thirty calendar days, appeal a decision to the Circuit Court of Prince George's County. Such appeal shall be limited to errors of jurisdiction, errors of law, and clear abuse of discretion by the Personnel Board.

**Section 1012. Subpoena Power.**

The Council shall have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records and other materials in connection with any investigation, inquiry, or hearing authorized by law or by this Charter. The Council may delegate its powers recited herein.

SECTION 2. BE IT FURTHER ENACTED that the amendment to Section 902 to include deputy directors of offices and departments of the Executive Branch in the exempt service shall not apply to incumbents who are in those positions on the effective date of this amendment.

SECTION 3 BE IT FURTHER ENACTED that a copy of this Act be transmitted to the

County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2002 General Election pursuant to Section 1105 of the Charter.

SECTION 4 BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 5, 2002, and shall be placed on the ballot in the following form:

**PROPOSED CHARTER AMENDMENT**

To provide for the removal of a Council member under certain circumstances; to provide for the establishment of a compensation review board to recommend the rate of compensation for the County Executive and Council members; to modify certain procedures relating to the enactment of legislation; to amend the procedure for the removal of certain appointed officials; to modify the allocation of positions between the exempt and classified service; to remove specific references regarding the Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the delegation of the Council's subpoena power.

Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: Peter A. Shapiro  
Chair

ATTEST:  
Redis C. Floyd  
Clerk of the Council

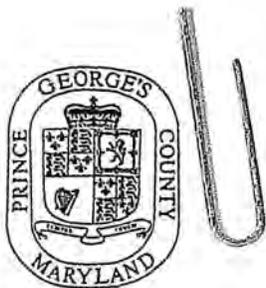
KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

**QUESTION D**

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2002 Legislative Session**

Bill No. CB-71-2002  
Chapter No. 50  
Proposed and Presented by Council Member Shapiro  
Introduced by Council Members Shapiro, Bailey, Scott and Wilson



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

**FROM:** Redis C. Floyd, Clerk of the Council      **DATE:** August 22, 2006

TO:	DATE OUT	INITIALS
Craig Price, Council Administrator		
Bobby Williams, Deputy Council Administrator		

**RE:** Local Ballot Questions for the November 7, 2006 General Election

- |  |   |
|--|---|
| <input type="checkbox"/> Per Our Conversation            | <input type="checkbox"/> Please Reply   |
| <input checked="" type="checkbox"/> For Your Information | <input type="checkbox"/> Set-up Meeting with _____<br>for _____               |
| <input type="checkbox"/> For Your Comments               | <input type="checkbox"/> Please Note & Return                                 |
| <input type="checkbox"/> For Your Approval               | <input type="checkbox"/> Please Supply More Details                           |
| <input type="checkbox"/> For Your Signature              | <input type="checkbox"/> Per Your Request                                     |
| <input type="checkbox"/> For Your Calendar               | <input type="checkbox"/> Please Prepare Reply for _____<br>Signature of _____ |
| <input type="checkbox"/> For Your Action                 | <input type="checkbox"/> See Me   |
| <input type="checkbox"/> For Your Files                  | <input type="checkbox"/> Xerox & Distribute to _____                          |
| <input type="checkbox"/> Please Handle                   | <input type="checkbox"/> Mail Log Item  |
| <input type="checkbox"/> Please Advise                   | <input type="checkbox"/> Note Changes & Re-draft                              |
| <input type="checkbox"/> Agenda Item                     |   |
| <input type="checkbox"/> Schedule For Committee          |   |

**REMARKS:**

Attached for your information is a copy of the local ballot questions prepared and certified by the Office of Law and transmitted by them to the Board of Elections.

cc: Ralph Grutzmacher, Legislative Officer  
 Karen Zavakos, Legislative Officer



Jack B. Johnson  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF LAW



David S. Whitacre  
County Attorney

August 18, 2006

Mr. Robert J. Antonetti, Sr.  
Interim Elections Administrator  
Prince George's County Board of Elections  
16201 Trade Zone Avenue, Suite 108  
Upper Marlboro, Maryland 20774

Dear Mr. Antonetti:

Pursuant to Section 7-103 of the Election Article of the Annotated Code of Maryland, I am transmitting the enclosed local ballot questions for the November 7, 2006 General Election, which this office has prepared and certified.

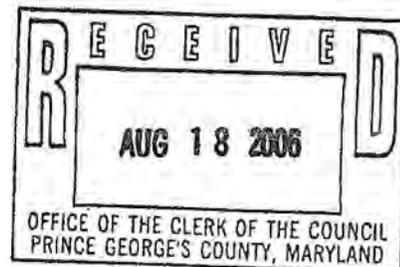
Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

David S. Whitacre  
County Attorney

Enclosure

✓cc: Redis C. Floyd, Clerk of the Council



14741 Gov. Oden Bowie Drive, Suite 5121, Upper Marlboro, Maryland 20772  
(301) 952-5225 FAX (301) 952-3071

App 218

**QUESTION A**

**(CB-58-2006)**

**PROPOSED CHARTER AMENDMENT**

**LOCAL AND MINORITY BUSINESS, BUDGET AND COUNTY PERSONNEL**

To provide a statement of the County's policy to encourage and support local and minority business in the County; to amend the time for Council consideration of the proposed County budget; to provide that the annual budget document contain forecasts of goods and services that would necessitate competitive bidding; and to provide that reports of certain positions in the exempt service be submitted semi-annually.

FOR

AGAINST

**QUESTION B**

**(CB-70-2006)**

**PROPOSED CHARTER AMENDMENT**

**COUNTY PERSONNEL - COUNTY COUNCIL STAFFING LEVEL APPROVAL**

To provide that the staffing level of any agency approved in the annual operating budget may not be increased without prior approval of the Council.

FOR

AGAINST

**QUESTION C**

**(CB-72-2006)**

**PROPOSED CHARTER AMENDMENT**

**COUNTY COUNCIL - AUTHORITY TO INCREASE OR DECREASE  
REVENUE ESTIMATES**

To provide that the revenue estimates in the proposed operating budget may be increased or decreased by the Council by no more than one percent.

FOR

AGAINST

**QUESTION D**

**(CB-60-2006)**

**PROPOSED CHARTER AMENDMENT  
COUNTY AUDITOR - INCREASED POWERS**

To increase the powers of the County Auditor to perform investigations; and to provide protection to County employees for providing information to the County Auditor during an investigation.

FOR

AGAINST

**QUESTION E**

**(CB-59-2006)**

**PROPOSED CHARTER AMENDMENT  
ENACTMENT OF LEGISLATION - EXTENSION OF TIME**

To amend the prescribed scheduling and notice periods for legislation by the Clerk of the Council; to amend the time for presentation of enacted bills to the County Executive; and to authorize amendments to the County legislative process during an emergency declared by the Governor for matters relating to and responsive to the emergency.

FOR

AGAINST

**QUESTION F**

**(CB-74-2006)**

**PROPOSED CHARTER AMENDMENT  
COUNTY COUNCIL - REQUIRED LEGISLATIVE APPROVAL OF  
CERTAIN CONTRACTS**

To provide an approval process for the making of certain contracts providing for the payment of funds at a time beyond the fiscal year in which the contract is made.

FOR

AGAINST

**QUESTION G**

**(CB-73-2006)**

**PROPOSED CHARTER AMENDMENT**

**COUNTY COUNCIL - REQUIRED APPROVAL OF CERTAIN INTRAFUND  
BUDGET TRANSFERS**

To provide an approval process for certain intrafund transfers of appropriations within County agencies.

FOR

AGAINST

**QUESTION H**

**(CB-71-2006)**

**PROPOSED CHARTER AMENDMENT**

**COUNTY COUNCIL - EXTENSION OF TIME FOR REVIEW OF  
APPOINTMENTS**

To allow additional time for holding a public hearing on executive appointments and providing that failure to act within forty-five days shall constitute approval.

FOR

AGAINST

**QUESTION I**

**(CB-50-2006)**

**CHARTER REQUIRED REFERENDUM**

**LIBRARY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$11,288,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library Facilities, as defined therein.

FOR

AGAINST

**QUESTION J**

**(CB-49-2006)**

**CHARTER REQUIRED REFERENDUM**

**PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$62,327,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance facilities), as defined therein.

FOR

AGAINST

**QUESTION K**

**(CB-51-2006)**

**CHARTER REQUIRED REFERENDUM**

**PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$9,259,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire Department Facilities), as defined therein.

FOR

AGAINST

**QUESTION L**

**(CB-52-2006)**

**CHARTER REQUIRED REFERENDUM**

**COUNTY BUILDINGS BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$15,600,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County Buildings, as defined therein.

FOR

AGAINST

**QUESTION M**

**(CB-53-2006)**

**CHARTER REQUIRED REFERENDUM**

**COMMUNITY COLLEGE FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$15,499,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Community College Facilities, as defined therein.

FOR

AGAINST

*Question E*  
**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2006 Legislative Session**

Bill No. CB-59-2006

Chapter No. 26

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga, Peters, Knotts, Dean, Exum, Harrington,  
Campos and Bland

Date of Introduction June 20, 2006

**CHARTER AMENDMENT**

1 AN ACT concerning

2 Sections 317 and 411, Charter of Prince George's County

3 For the purpose of proposing amendments to Sections 317 and 411 of the Charter of Prince  
4 George's County to amend the prescribed scheduling and notice periods for legislation by the  
5 Clerk of the Council; to amend the time for presentation of enacted bills to the County  
6 Executive; and to authorize amendments to the County legislative process during an emergency  
7 declared by the Governor for matters relating to and responsive to the emergency.

8 BY proposing amendments to:

9 Sections 317 and 411,  
10 Charter of Prince George's County, Maryland.

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that the following amendments to Sections 317 and 411 of the Charter of Prince  
13 George's County be and the same are hereby proposed:

14 **Section 317. Enactment of Legislation.**

15 Every law of the County shall be styled: "Be it enacted by the County Council of Prince  
16 George's County, Maryland." The Council shall enact no law except by bill. The subject of  
17 every law shall be described in its title. Every law enacted by the Council, except the budget law  
18 and supplementary appropriation laws, shall embrace but one subject. No law or section of law  
19 shall be revived or amended by reference to its title only. A bill may be introduced by any  
20 member of the Council on any legislative session-day of the Council. On the introduction of any  
21 bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by

1 the Clerk of the Council within five days on an official bulletin board to be set up by the Council  
 2 in a public place and by any other such methods as the Council shall dictate. Additional copies  
 3 of the bill shall be made available to the public and to the press. Every copy of each bill shall  
 4 bear the name of the member of the Council introducing it and the date it was introduced.

5 Within [five] ten days following the introduction of a bill the Clerk of the Council shall schedule  
 6 and give public notice of a public hearing on the bill, which hearing shall not be less than  
 7 fourteen days after its introduction. The Council may reject any bill on its introduction without a  
 8 hearing by a majority vote of the members of the full Council. Such public notice shall be  
 9 published in the County newspapers of record as defined in Section 1008 of this Charter. The  
 10 public hearing may, but need not be, held on a legislative session-day and may be adjourned  
 11 from time to time. After the public hearing, a bill may be finally enacted on a legislative session-  
 12 day with or without amendment, except, that if a bill is amended before enactment and the  
 13 amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or  
 14 reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the  
 15 case of a newly introduced bill. Any bill not enacted by the last day of November of each year  
 16 shall be considered to have failed. To meet a public emergency affecting the public health,  
 17 safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly  
 18 designated as such and shall contain, after the enacting clause, a declaration stating that an  
 19 emergency exists and describing the claimed emergency in clear and specific terms. The term  
 20 "emergency bill" shall not include any measure creating or abolishing any office; changing the  
 21 compensation, term, or duty of any officer; granting any franchise or special privilege; or  
 22 creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a  
 23 majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of  
 24 two-thirds of the members of the full Council. In the event of an emergency declared by the  
 25 Governor pursuant to provisions of State law, which emergency affects any part or all of Prince  
 26 George's County, the Council may provide, by law, for modification of voting, quorum, and  
 27 publication requirements consistent with State law, for matters relating to and necessary to  
 28 respond to the emergency.

29 **Section 411. Executive Veto.**

30 Upon the enactment of any bill by the Council, with the exception of such measures made  
 31 expressly exempt from the executive veto by this Charter, it shall be presented to the County

1 Executive within [five] ten days for his approval or disapproval. Within ten days after such  
 2 presentation, he shall return any such bill to the Council with his approval endorsed thereon or  
 3 with a statement, in writing, of his reasons for not approving the same. Upon approval by the  
 4 County Executive, any such bill shall become law. Upon veto by the County Executive, his veto  
 5 message shall be entered in the Journal of the Council, and, not later than at its next legislative  
 6 session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the  
 7 members of the full Council vote in the affirmative, the bill shall become law. Whenever the  
 8 County Executive shall fail to return any such bill within ten days after the date of its  
 9 presentation to him, the Clerk of the Council shall forthwith record the fact of such failure in the  
 10 Journal, and such bill shall thereupon become law. In the case of budget and appropriation bills,  
 11 the County Executive may disapprove or reduce individual items in such bills, except where  
 12 precluded by State law. Each item or items not disapproved or reduced in a budget and  
 13 appropriation bill shall become law, and each item or items disapproved or reduced in a budget  
 14 and appropriation bill shall be subject to the same procedure as any other bill vetoed by the  
 15 County Executive.

16 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
 17 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
 18 of Elections for submission of the proposed amendment to the voters of this County at the 2006  
 19 General Election pursuant to Section 1105 of the Charter.

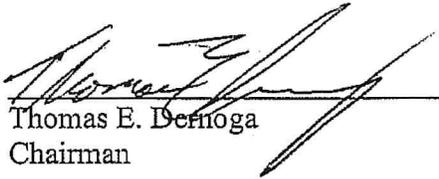
20 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
 21 Charter Amendment shall be submitted to the voters of the County at the General Election  
 22 occurring on November 7, 2006, and shall be placed on the ballot in the following form:

#### 23 24 PROPOSED CHARTER AMENDMENT

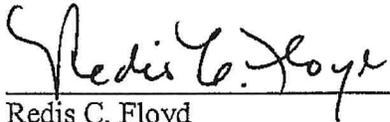
25 To amend the prescribed scheduling and notice periods for legislation by the Clerk  
 26 of the Council; to amend the time for presentation of enacted bills to the County  
 27 Executive; and to authorize amendments to the County legislative process during an  
 28 emergency declared by the Governor for matters relating to and responsive to the  
 29 emergency.

Adopted this 18th day of July, 2006, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
Thomas E. Demoga  
Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

**Prince George's County Council**  
**Agenda Item Summary**

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**Meeting Date:** 7/18/2006  
**Reference No.:** CB-059-2006  
**Draft No.:** 1  
**Proposer(s):** Dernoga  
**Sponsor(s):** Dernoga, Peters, Knotts, Dean, Exum, Harrington, Campos, Bland  
**Item Title:** An Act proposing amendments to Sections 317 and 411 of the Charter of Prince George's County to amend the prescribed scheduling and notice periods for legislation by the Clerk of the Council; to amend the time for presentation of enacted bills to the County Executive; and to authorize amendments to the County legislative process during an emergency declared by the Governor for matters relating to and responsive to the emergency.

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**Drafter:** Karen T. Zavakos, Assistant Legislative Officer  
**Resource Personnel:** Judith Thacher, Legislative Aide

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>		<b>Effective Date:</b>
<b>Committee Action:</b>		
<b>Date Introduced:</b>	6/20/2006	
<b>Public Hearing:</b>	7/18/2006 - 11:30 AM	
<b>Council Action (1)</b>	7/18/2006 - ENACTED	
<b>Council Votes:</b>	MB:A, WC:A, SHD:-, TD:A, CE:A, DCH:A, TH:-, TK:-, DP:A	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>	Subject to referendum	

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**AFFECTED CODE SECTIONS:**  
CHARTER-0317, CHARTER-0411

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**COMMITTEE REPORTS:**

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The proposed Charter amendments will amend the prescribed scheduling and notice periods for legislation by the Clerk of the Council, amend the time for presentation of enacted bills to the County Executive, and authorize amendments to the County legislative process during an emergency declared by the Governor for matters relating to and responsive to the emergency.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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wise attempt to restrain an employee of the County from providing information to the County Auditor, nor shall any adverse action be taken against such employee. Any adverse action taken within twelve (12) months after the employee has provided information to the County Auditor shall be presumed to be retaliatory, which presumption may be rebutted only by clear and convincing evidence to the contrary. Any audit, including performance audits, special audits, and state audits which form the basis for an exemption by the Council from a County audit, shall be published in suitable form and made available to the public at reasonable hours at the Office of Audits and Investigations. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents, and employees of the County and all agencies thereof, shall at all times be open to the inspection of the County Auditor. The Auditor shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he may discover. The County Auditor shall have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records and other materials in connection with any audit, investigation, inquiry or hearing authorized by law or by this Charter. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties, and personnel to the County Auditor.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2006 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 7, 2006, and shall be placed on the ballot in the following form:

PROPOSED CHARTER AMENDMENT

To increase the powers of the County Auditor to perform investigations; and to provide protection to County employees for providing information to the County Auditor during an investigation.

Adopted this 18th day of July, 2006, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND  
BY: Thomas E. Dernoga  
Chairman

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

QUESTION E  
COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
2006 Legislative Session  
Bill No. CB-59-2006  
Chapter No. 26  
Proposed and Presented by Council Member Dernoga  
Introduced by Council Members Dernoga, Peters, Knotts, Dean, Exum,  
Harrington, Campos and Bland  
Date of Introduction June 20, 2006

CHARTER AMENDMENT

AN ACT concerning  
Sections 317 and 411, Charter of Prince George's County  
For the purpose of proposing amendments to Sections 317 and 411 of the Charter of Prince George's County to amend the prescribed scheduling and notice periods for legislation by the Clerk of the Council; to amend the time for presentation of enacted bills to the County Executive; and to authorize amendments to the County legislative process during an emergency declared by the Governor for matters relating to and responsive to the emergency.

BY proposing amendments to:  
Sections 317 and 411,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendments to Sections 317 and 411 of the Charter of Prince George's County be and the same are hereby proposed:

**Section 317. Enactment of Legislation.**

Every law of the County shall be styled: "Be it enacted by the County Council of Prince George's County, Maryland." The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Clerk of the Council within five days on an official bulletin board to be set up by the Council in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. Within [five] ~~ten~~ days following the introduction of a bill the Clerk of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a majority vote of the members of the full Council. Such public notice shall be published in the County newspapers of record as defined in Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council. In the event of an emergency declared by the Governor pursuant to provisions of State law, which emergency affects any part or all of Prince George's County, the Council may provide, by law, for modification of voting, quorum, and publication requirements consistent with State law, for matters relating to and necessary to respond to the emergency.

**Section 411. Executive Veto.**

Upon the enactment of any bill by the Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within [five] ~~ten~~ days for his approval or disapproval. Within ten days after such presentation, he shall return any such bill to the Council with his approval endorsed thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, his veto message shall be entered in the Journal of the Council, and, not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill shall become law. Whenever the County Executive shall fail to return any such bill within ten days after the date of its presentation to him, the Clerk of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon become law. In the case of budget and appropriation bills, the County Executive may disapprove or reduce individual items in such bills, except where precluded by State law. Each item or items not disapproved or reduced in a budget and appropriation bill shall become law, and each item or items disapproved or reduced in a budget and appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

**FROM:** Reed Floyd, Clerk

**DATE:** August 21, 2008

**TO:** Craig Price, Council Administrator  
**cc:** Robert Williams, Deputy Administrator  
Karen Zvakos, Legislative Officer  
Ralph Grutzmacher, Legislative Officer

DATE OUT

INITIALS

**RE: 2008 General Election**

- |  |   |
|--|---|
| <input type="checkbox"/> Per Our Conversation                | <input type="checkbox"/> Please Reply   |
| <input type="checkbox"/> For Your Information                | <input type="checkbox"/> Set-up Meeting with _____<br>for _____               |
| <input checked="" type="checkbox"/> <b>For Your Comments</b> | <input type="checkbox"/> Please Note & Return                                 |
| <input type="checkbox"/> For Your Approval                   | <input type="checkbox"/> Please Supply More Details                           |
| <input type="checkbox"/> For Your Signature                  | <input type="checkbox"/> Per Your Request                                     |
| <input type="checkbox"/> For Your Calendar                   | <input type="checkbox"/> Please Prepare Reply for _____<br>Signature of _____ |
| <input type="checkbox"/> For Appropriate Action              | <input type="checkbox"/> See Me   |
| <input type="checkbox"/> For Your Files                      | <input type="checkbox"/> Xerox & Distribute to _____                          |
| <input type="checkbox"/> Please Handle                       | <input type="checkbox"/> Mail Log Item  |
| <input checked="" type="checkbox"/> <b>Please Advise</b>     | <input type="checkbox"/> Note Changes & Re-draft                              |
| <input type="checkbox"/> Agenda Item                         |   |
| <input type="checkbox"/> Schedule For Committee              |   |

**REMARKS** Attached for your information and convenience is copy of a letter from the County Attorney to the Election Board Administrator regarding placement of local ballot questions for the November 4, 2008 General Election.

Attachment



Jack B. Johnson  
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF LAW



Stephanie P. Anderson  
County Attorney

August 12, 2008

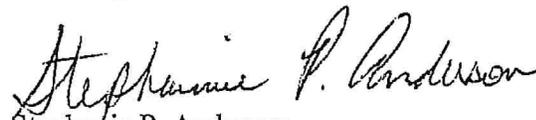
Ms. Alisha L. Alexander  
Elections Administrator  
Prince George's County Board of Elections  
16201 Trade Zone Avenue, Suite 108  
Upper Marlboro, Maryland 20774

Dear Ms. Alexander:

Pursuant to Section 7-103 of the Election Article of the Annotated Code of Maryland, I am transmitting the enclosed local ballot questions for the November 4, 2008 General Election, which this office has prepared and certified.

Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

  
Stephanie P. Anderson  
County Attorney

Enclosure

✓ cc: Redis C. Floyd, Clerk of the Council

14741 Gov. Oden Bowie Drive, Suite 5121, Upper Marlboro, Maryland 20772  
(301) 952-5225 FAX (301) 952-3071

**App 232**

**QUESTION A**

**(CB-34-2008)**

**CHARTER REQUIRED REFERENDUM**

**LIBRARY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$9,155,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library Facilities, as defined therein.

FOR

AGAINST

**QUESTION B**

**(CB-35-2008)**

**CHARTER REQUIRED REFERENDUM**

**PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$38,134,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire Department Facilities), as defined therein.

FOR

AGAINST

**QUESTION C**

**(CB-36-2008)**

**CHARTER REQUIRED REFERENDUM**

**COUNTY BUILDINGS BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$112,596,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County Buildings, as defined therein.

FOR

AGAINST

**QUESTION D**

**(CB-37-2008)**

**CHARTER REQUIRED REFERENDUM**

**PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$153,224,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance facilities), as defined therein.

FOR

AGAINST

**QUESTION E**

**(CB-38-2008)**

**CHARTER REQUIRED REFERENDUM**

**COMMUNITY COLLEGE FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$48,731,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Community College Facilities, as defined therein.

FOR

AGAINST

**QUESTION F**

**(CB-12-2007)**

**CHARTER REQUIRED REFERENDUM**

**TELECOMMUNICATIONS SERVICE SALES AND USE TAX**

An Act to increase the sales and use tax on gross receipts from telecommunications service within Prince George's County from 8 percent to 11 percent to increase funding available to the Prince George's County Board of Education.

FOR

AGAINST

**QUESTION G**  
**(CB-50-2008)**

**PROPOSED CHARTER AMENDMENT**  
**ENACTMENT OF LEGISLATION - EXTENSION OF TIME FOR NOTICE**  
**OF PUBLIC HEARING ON A BILL**

To clarify the prescribed scheduling and notice periods for legislation by the Clerk of the Council from five to ten days.

FOR

AGAINST

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2008 Legislative Session**

Bill No. CB-50-2008

Chapter No. 31

Proposed and Presented by Council Member Exum

Introduced by Council Members Exum and Bland

Co-Sponsors

Date of Introduction July 1, 2008

**CHARTER AMENDMENT**

1 AN ACT concerning

2 Amendment of Section 317, Charter of Prince George's County

3 For the purpose of proposing an amendment to Section 317 of the Charter of Prince George's  
4 County to provide clarification as to the prescribed scheduling and notice periods for legislation  
5 by the Clerk of the Council.

6 BY proposing an amendment to:

7 Section 317,

8 Charter of Prince George's County, Maryland.

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
10 Maryland, that the following amendment to Section 317, Charter of Prince George's County,  
11 Maryland, is hereby proposed:

12 **Sec. 317. Enactment of Legislation.**

13 Every law of the County shall be styled: "Be it enacted by the County Council of Prince  
14 George's County, Maryland." The Council shall enact no law except by bill. The subject of  
15 every law shall be described in its title. Every law enacted by the Council, except the budget law  
16 and supplementary appropriation laws, shall embrace but one subject. No law or section of law  
17 shall be revived or amended by reference to its title only. A bill may be introduced by any  
18 member of the Council on any legislative session-day of the Council. On the introduction of any  
19 bill, a copy thereof and notice of the time and place of the public hearing on the bill shall be  
20 posted by the Clerk of the Council within [five] ten days on an official bulletin board to be set up  
21 by the Council in a public place and by any other such methods as the Council shall dictate.

1 Additional copies of the bill shall be made available to the public and to the press. Every copy of  
2 each bill shall bear the name of the member of the Council introducing it and the date it was  
3 introduced. Within ten days following the introduction of a bill the Clerk of the Council shall  
4 schedule and give public notice of a public hearing on the bill, which hearing shall not be less  
5 than fourteen days after its introduction. The Council may reject any bill on its introduction  
6 without a hearing by a majority vote of the members of the full Council. Such public notice shall  
7 be published in the County newspapers of record as defined in Section 1008 of this Charter. The  
8 public hearing may, but need not be, held on a legislative session-day and may be adjourned  
9 from time to time. After the public hearing, a bill may be finally enacted on a legislative session-  
10 day with or without amendment, except, that if a bill is amended before enactment and the  
11 amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or  
12 reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the  
13 case of a newly introduced bill. Any bill not enacted by the last day of November of each year  
14 shall be considered to have failed. To meet a public emergency affecting the public health,  
15 safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly  
16 designated as such and shall contain, after the enacting clause, a declaration stating that an  
17 emergency exists and describing the claimed emergency in clear and specific terms. The term  
18 "emergency bill" shall not include any measure creating or abolishing any office; changing the  
19 compensation, term, or duty of any officer; granting any franchise or special privilege; or  
20 creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a  
21 majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of  
22 two-thirds of the members of the full Council. In the event of an emergency declared by the  
23 Governor pursuant to provisions of State law, which emergency affects any part or all of Prince  
24 George's County, the Council may provide, by law, for modification of voting, quorum, and  
25 publication requirements consistent with State law, for matters relating to and necessary to  
26 respond to the emergency.

27 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
28 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
29 of Elections for submission of the proposed amendment to the voters of this County at the 2008  
30 General Election pursuant to Section 1105 of the Charter.

31 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed

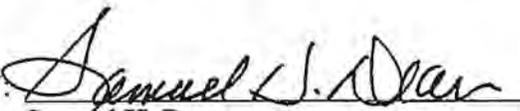
1 Charter Amendment shall be submitted to the voters of the County at the General Election  
2 occurring on November 4, 2008, and shall be placed on the ballot in the following form:

3  
4 PROPOSED CHARTER AMENDMENT

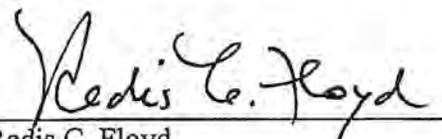
5 To clarify the prescribed scheduling and notice periods for legislation by  
6 the Clerk of the Council from five to ten days.

7  
8 Adopted this 23rd day of July, 2008, by an affirmative vote of two-thirds of the members of  
9 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
Samuel H. Dean  
Chairman

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/23/2008  
**Reference No.:** CB-050-2008  
**Draft No.:** 2  
**Proposer(s):** Exum  
**Sponsor(s):** Exum, Bland  
**Item Title:** An Act proposing an amendment to Section 317 of the Charter of Prince George's County to provide clarification as to the prescribed scheduling and notice periods for legislation by the Clerk of the Council.

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Karen T. Zavakos, Legislative Officer

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>	7/1/2008 - PSFM	<b>Effective Date:</b>
<b>Committee Action:</b>	7/14/2008 - FAV	
<b>Date Introduced:</b>	7/1/2008	
<b>Public Hearing:</b>	7/23/2008 - 10:00 AM	
<b>Council Action (1)</b>	7/23/2008 - ENACTED	
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:-, EO:A, IT:A	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>		

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### AFFECTED CODE SECTIONS: CHARTER-0317

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### COMMITTEE REPORTS:

#### PUBLIC SAFETY and FISCAL MANAGEMENT

Date 7/14/2008

Favorable, 4-0, (In favor: Councilmembers Knotts, Campos, Dean and Exum.)

This bill will amend Section 317 of the County Charter by increasing the time from five days to ten days in which the Clerk of the Council has to provide the public with the prescribed scheduling and notice periods of bills after being introduced.

In accordance with Section 1105 of the County Charter, upon enactment of this legislation by the County Council, it will be placed on the ballot for the general election to be held on Tuesday, November 4, 2008, for approval or disapproval by the legal voters of the County.

The Office of Law has reviewed this bill and finds it to be in proper legislative form with no legal impediments to its enactment.

There will not be any negative fiscal impact on the County as a result of enacting CB-50-2008.

---

**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The Bill proposes an amendment to Section 317 of the Charter of Prince George's County to provide clarification as to the prescribed scheduling and notice periods for legislation by the Clerk of the Council.

7/23/2008: CB-50-2008 was amended on the floor; DR-2 enacted.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

September 6, 2012

## MEMORANDUM

TO: Rushern L. Baker, III  
County Executive

Terri K. Bacote-Charles, Director  
Office of Management and Budget

Gail D. Francis, Director  
Office of Finance

Alisha Alexander, Elections Administrator  
Board of Supervisors of Elections

M. Andree Green, County Attorney  
Office of Law

FROM: ~~Red~~ <sup>see</sup> C. Floyd  
Clerk of the Council

RE: Transmittal of Enacted Council Bill

Enclosed for your information is a copy of CB-55-2012 as enacted by the County Council.

If you have any questions, please feel free to contact my office at 301-952-3600.

Enclosure

County Administration Building – Upper Marlboro, Maryland 20772

App 241

**Prince George's County Council  
Agenda Item Summary**

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**Meeting Date:** 6/19/2012  
**Reference No.:** CB-055-2012  
**Draft No.:** 1  
**Proposer(s):** Harrison  
**Sponsor(s):** Harrison, Turner  
**Item Title:** An Act proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

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**Drafter:** Legislative Officers,  
**Resource Personnel:** Legislative Officers

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**LEGISLATIVE HISTORY:**

**NOTICE OF PUBLIC HEARING**

Bill No. CB-55-2012  
Date: Tuesday, July 24, 2012  
Time: 10:00 Am  
Place: Council Hearing Room  
County Administration Building  
Upper Marlboro, Maryland

DO NOT REMOVE THIS COPY - Copies available in Room 2198  
PGC Form #1969 (3/96)

**Executive Action:**  
**Effective Date:**

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**AFFECTED CODE SECTIONS:**  
CHARTER-0305

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**COMMITTEE REPORTS:**

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This proposed Charter Amendment authorizes the adoption of a County Council redistricting plan by resolution upon notice and public hearing.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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# **AGENDA MINUTES**

**Tuesday, June 19, 2012**

**Legislative Day No. 18**

## **COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

### **TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE - (ROOM 2027) -- COMMITTEE MEETING HELD**

#### **AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD**

**CALL TO ORDER**-Council Chair Harrison called to order at 2:20 p.m. with the following Council Members present:

*Andrea Harrison  
Will Campos  
Derrick Davis  
Mel Franklin  
Mary Lehman  
Eric Olson  
Obie Patterson  
Karen Toles  
Ingrid Turner*

*Others present:*

*Robert Williams, Jr., Council Administrator  
William Hunt, Deputy Council Administrator  
Redis Floyd, Clerk of the Council  
Donna Brown, Deputy Clerk of the Council  
Karen Zvakos, Legislative Officer  
Todd Turner, Legislative Officer  
Brad Frome, Deputy Chief of Staff Liaison to the Council  
Josh Hamlin, Office of Law  
Jackie Brown, Director of the Planning Zoning and Economic Development  
Committee (PZED)  
Frank Porter, Director of the Public Safety and Fiscal Management Committee  
(PSFM)  
Sandra Eubanks, Director of the Health, Education and Human Services Committee  
(HEHS)  
Hawi Sanu, Director of the Transportation, Housing and the Environment Committee  
(THE)  
Maureen Epps-Webb, Chief Zoning Hearing Examiner*

**COMMITTEE OF THE WHOLE – (COUNCIL HEARING ROOM)****CB-54-2012 – AN ORDINANCE CONCERNING STADIUM WAYFINDING SIGNS** for the purpose of exempting wayfinding signs for stadiums. **DISCHARGED FROM PZED; NO RECOMMENDATION WITH AMENDMENTS**

*Jackie Brown provided an overview of the legislation. Council Member Franklin moved a committee recommendation of no recommendation with amendments; seconded by Council Member Olson. The motion carried 8-1 (Opposed: Council Member Patterson). Council Member Olson moved a recommendation to discharge Council Bill 54 from the Planning, Zoning and Economic Development Committee; seconded by Council Member Franklin. The motion carried 8-1 (Opposed: Council Member Patterson).*

**CB-55-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 305, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing. **FAVORABLE RECOMMENDATION**

*Karen Zavakos, Legislative Officer, provided an overview of the Legislation. Council Member Olson moved favorable recommendation; seconded by Council Member Davis. The motion carried 7-0 (Absent: Council Members Campos and Turner).*

**CB-57-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 819, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to amend the procedure for approval of multiyear contracts by resolution of the County Council upon notice and public hearing. **FAVORABLE RECOMMENDATION**

*Karen Zavakos, Legislative Officer provided an overview of the legislation. Council Member Davis moved favorable recommendation; seconded by Council Member Olson. The motion carried 7-0 (Absent: Council Member Campos and Turner).*

APPROVED

## AGENDA MINUTES

Tuesday, June 19, 2012

Legislative Day No. 18

COUNTY COUNCIL  
OF  
PRINCE GEORGE'S COUNTY, MARYLAND

TRANSPORTATION, HOUSING AND THE ENVIRONMENT COMMITTEE  
- (ROOM 2027) -- COMMITTEE MEETING HELD

AGENDA BRIEFING – (ROOM 2027) – BRIEFING HELD

**CALL TO ORDER**-Council Chair Harrison called to order at 2:20 p.m. with the following Council Members present:

*Andrea Harrison*  
*Will Campos*  
*Derrick Davis*  
*Mel Franklin*  
*Mary Lehman*  
*Eric Olson*  
*Obie Patterson*  
*Karen Toles*  
*Ingrid Turner*

*Others present:*

*Robert Williams, Jr., Council Administrator*  
*William Hunt, Deputy Council Administrator*  
*Redis Floyd, Clerk of the Council*  
*Donna Brown, Deputy Clerk of the Council*  
*Karen Zvakos, Legislative Officer*  
*Todd Turner, Legislative Officer*  
*Brad Frome, Deputy Chief of Staff Liaison to the Council*  
*Josh Hamlin, Office of Law*  
*Jackie Brown, Director of the Planning Zoning and Economic Development Committee (PZED)*  
*Frank Porter, Director of the Public Safety and Fiscal Management Committee (PSFM)*  
*Sandra Eubanks, Director of the Health, Education and Human Services Committee (HEHS)*  
*Hawi Sanu, Director of the Transportation, Housing and the Environment Committee (THE)*  
*Maureen Epps-Webb, Chief Zoning Hearing Examiner*

**CB-55-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 305, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

**INTRODUCED**

(Favorably reported out of C.O.W. on 6/19/2012)

*Introduced by Council Members Harrison and Turner*

**PUBLIC HEARING SCHEDULED TUESDAY, JULY 24, 2012 @ 10:00 A.M.**

**CB-57-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 819, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to amend the procedure for approval of multiyear contracts by resolution of the County Council upon notice and public hearing. **INTRODUCED**

(Favorably reported out of C.O.W. on 6/19/2012)

*Introduced by Council Members Harrison, Davis and Turner*

**PUBLIC HEARING SCHEDULED TUESDAY, JULY 24, 2012 @ 10:00 A.M.**

**8. INTRODUCTION AND ADOPTION OF RESOLUTIONS - (Page 10)**

**CR-49-2012 - A RESOLUTION CONCERNING JUNETEENTH NATIONAL HOLIDAY CAMPAIGN AND OBSERVANCE** for the purpose of expressing support for the Juneteenth National Holiday Campaign and Observance.

**INTRODUCED; RULES SUSPENDED; ADOPTED**

*Council Resolution 49 expresses support for the Juneteenth National Holiday Campaign and Observance. Council Resolution 49 was introduced by Council Members Davis, Harrison, Campos, Franklin, Lehman, Olson, Patterson, Toles and Turner. Council Member Davis moved to suspend the Council Rules of Procedure to allow immediate adoption of Council Resolution 49; seconded by Council Member Olson. The motion carried 9-0. Council Member Davis moved to adopt Council Resolution 49; seconded by Council Member Olson. The motion carried 9-0.*

**COUNCIL SHOULD EITHER CONVENE AS THE COMMITTEE OF THE WHOLE OR SUSPEND THE RULES PRIOR TO ADOPTION.**

**PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**  
**– (CONTINUED)**

**CB-55-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 305, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing. **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Harrison and Turner on 6/10/2012; favorably reported out of C.O.W. on 6/19/2012)

**(6 VOTES REQUIRED TO ENACT)**

*Pursuant to proper notice, the public hearing convened on Council Bill 55. No persons wishing to speak, the public hearing was declared held. Council Member Turner moved enactment of Council Bill 55; seconded by Council Member Davis. The motion carried 8-0 (Absent: Council Member Toles).*

**CB-57-2012 (CHARTER AMENDMENT) - AN ACT CONCERNING AMENDMENT OF SECTION 819, CHARTER OF PRINCE GEORGE'S COUNTY** for the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to amend the procedure for approval of multiyear contracts by resolution of the County Council upon notice and public hearing. **PUBLIC HEARING HELD; ENACTED**

(Introduced by Council Members Harrison, Davis and Turner on 6/19/2012; favorably reported out of C.O.W. on 6/19/2012)

**(6 VOTES REQUIRED TO ENACT)**

*Pursuant to proper notice, the public hearing convened on Council Bill 57. No persons wishing to speak, the public hearing was declared held. Council Member Davis moved enactment of Council Bill 57; seconded by Council Member Turner. The motion carried 8-0 (Absent: Council Member Toles).*

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2012 Legislative Session

Bill No. CB-55-2012

Chapter No. 23

Proposed and Presented by Council Member Harrison

Introduced by Council Members Harrison and Turner

Co-Sponsors

Date of Introduction June 19, 2012

CHARTER AMENDMENT

1 AN ACT concerning

2 Amendment of Section 305, Charter of Prince George's County

3 For the purpose of proposing an amendment to Section 305 of the Charter of Prince George's  
4 County to authorize legislative action on the decennial County Council redistricting plan by  
5 resolution upon notice and public hearing.

6 BY proposing an amendment to:

7 Section 305,  
8 Charter of Prince George's County, Maryland.

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
10 Maryland, that the following amendment to Section 305, Charter of Prince George's County,  
11 Maryland, is hereby proposed:

12 **Sec. 305. Redistricting Procedure.**

13 The boundaries of Council districts shall be reestablished in 1982 and every tenth year  
14 thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not  
15 later than February 1 of the year prior to the year in which redistricting is to be effective, a  
16 commission on redistricting, composed of two members from each political party chosen from a  
17 list of five names submitted by the Central Committee of each political party which polled at  
18 least fifteen percent of the total vote cast for all candidates for the Council in the immediately  
19 preceding regular election. The Council shall appoint one additional member of the Commission  
20 who shall serve as chairman. No person shall be eligible for appointment to the Commission if  
21 he holds any elected office. By September 1 of the year prior to the year in which redistricting is

1 to be effective, the Commission shall prepare, publish, and make available a plan of Council  
 2 districts and shall present that plan, together with a report explaining it, to the Council. The plan  
 3 shall provide for Council districts that are compact, contiguous, and equal in population. No less  
 4 than fifteen calendar days and no more than thirty calendar days after receiving the plan of the  
 5 Commission, the Council shall hold a public hearing on the plan. If the Council passes no other  
 6 law changing the proposal, then the plan, as submitted, shall become law, as of the last day of  
 7 November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law  
 8 shall be adopted by resolution of the County Council upon notice and public hearing.

9 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
 10 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
 11 of Elections for submission of the proposed amendment to the voters of this County at the 2012  
 12 General Election pursuant to Section 1105 of the Charter.

13 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
 14 Charter Amendment shall be submitted to the voters of the County at the General Election  
 15 occurring on November 6, 2012, and shall be placed on the ballot in the following form:

16 PROPOSED CHARTER AMENDMENT

17 To authorize legislative action on the decennial County Council redistricting plan by resolution  
 18 upon notice and public hearing.

Adopted this 24<sup>th</sup> day of July, 2012, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Andrea C. Harrison  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

**CB-55-2012 WAS APPROVED AT REFERENDUM ON 11/6/2012:**

**EFFECTIVE DATE: 12/7/2012**

**Prince George's County Council**  
**Agenda Item Summary**

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**Meeting Date:** 7/24/2012  
**Reference No.:** CB-055-2012  
**Draft No.:** 1  
**Proposer(s):** Harrison  
**Sponsor(s):** Harrison, Turner  
**Item Title:** An Act proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

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**Drafter:** Legislative Officers,  
**Resource Personnel:** Legislative Officers

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>	
<b>Committee Referral:</b>	6/19/2012 - C.O.W.	<b>Effective Date:</b>	12/7/2012
<b>Committee Action:</b>	6/19/2012 - FAV		
<b>Date Introduced:</b>	6/19/2012		
<b>Public Hearing:</b>	7/24/2012 - 10:00 AM		
<b>Council Action (1)</b>	7/24/2012 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:-		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>	Approved at referendum on 11/6/2012		

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**AFFECTED CODE SECTIONS:**  
CHARTER-0305

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**COMMITTEE REPORTS:**

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This proposed Charter Amendment authorizes the adoption of a County Council redistricting plan by resolution upon notice and public hearing.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2010 Legislative Session**

Resolution No. CR-56-2012  
Proposed by Chair Harrison  
Introduced by Council Members Harrison, Davis, Franklin, Patterson and Turner  
Co-Sponsors \_\_\_\_\_  
Date of Introduction July 24, 2012

**RESOLUTION**

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A RESOLUTION concerning  
The Listing of Local Questions on the 2012 Ballot  
For the purpose of designating the order and form in which local questions shall be placed on the 2012 ballot and matters related thereto.

WHEREAS, Section 7-103 (c)(3) of the Election Law Article of the Annotated Code of Maryland provides that the County Attorney shall prepare and certify the order and form in which local questions shall be placed on the ballot; and

WHEREAS, Section 1105 of the Charter of Prince George's County, Maryland provides that proposed amendments to the Charter may be proposed by legislative act approved by not less than a two-thirds majority of the full County Council, or by petition filed with the County Executive and signed by 10,000 registered voters of the County; and

WHEREAS, it is the desire of the County Council to prescribe the form and order in which local questions shall be placed on the ballot; and

WHEREAS, Section 5 of the Schedule of Legislation provides that the County Attorney shall be the legal advisor and legislative draftsman of the County Council unless the Council shall specifically direct otherwise; and

WHEREAS, in each legislative act enacted by the Council that is subject to referendum of the voters, the language to be considered by the voters is specifically enacted as part of the proposed Charter amendment or referendum question; and

WHEREAS, the County Council has determined that the order of referendum questions on the 2012 ballot is a significant element of the Council's role to approve questions for submission to the voters by referendum and that the County Attorney should be informed and directed

1 concerning the Council’s determination in fulfilling her obligations pursuant to the Election Law  
2 Article; and

3 WHEREAS, Section 1017 (c) of the Charter of Prince George’s County, Maryland provides  
4 that a resolution of the County Council has the force and effect of law of a temporary or  
5 administrative character.

6 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
7 County, Maryland, that the County Attorney is directed to certify the order and form of the  
8 questions to the local board of elections in accordance with the provisions of Section 7-103 (b) of  
9 the Election Law Article of the Annotated Code of Maryland as follows:

10 **QUESTION A**

11 (CB-55-2012)

12 **PROPOSED CHARTER AMENDMENT**

13 To authorize legislative action on the decennial County Council  
14 redistricting plan by resolution upon notice and public hearing.

15 **QUESTION B**

16 (CB-57-2012)

17 **PROPOSED CHARTER AMENDMENT**

18 To amend the procedure for approval of multiyear contracts by  
19 resolution of the County Council upon notice and public hearing.

20 **QUESTION C**

21 (CB-46-2012)

22 **LIBRARY FACILITIES BONDS**

23 An Act enabling the County to borrow money and issue bonds in an amount not exceeding  
24 \$45,150,000 to finance the design, construction, reconstruction, extension, acquisition,  
25 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library  
26 Facilities, as defined therein.

27 **QUESTION D**

28 (CB-47-2012)

29 **COUNTY BUILDINGS BONDS**

30 An Act enabling the County to borrow money and issue bonds in an amount not exceeding  
31 \$75,823,000 to finance the design, construction, reconstruction, extension, acquisition,

1 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County  
2 Buildings, as defined therein.

3 **QUESTION E**

4 (CB-48-2012)

5 **PUBLIC SAFETY FACILITIES BONDS**

6 An Act enabling the County to borrow money and issue bonds in an amount not exceeding  
7 \$156,354,000 to finance the design, construction, reconstruction, extension, acquisition,  
8 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public  
9 Safety Facilities (including Fire Department Facilities), as defined therein.

10 **QUESTION F**

11 (CB-49-2012)

12 **PUBLIC WORKS AND TRANSPORTATION FACILITIES**

13 An Act enabling the County to borrow money and issue bonds in an amount not exceeding  
14 \$193,383,000 to finance the design, construction, reconstruction, extension, acquisition,  
15 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public  
16 Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance  
17 facilities), as defined therein.

18 **QUESTION G**

19 (CB-50-2012)

20 **COMMUNITY COLLEGE FACILITIES BONDS**

21 An Act enabling the County to borrow money and issue bonds in an amount not exceeding  
22 \$156,047,000 to finance the design, construction, reconstruction, extension, acquisition,  
23 improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of  
24 Community College Facilities, as defined therein.

25  
26 BE IT FURTHER RESOLVED that if any petition for Charter Amendment or for  
27 referendum is hereafter filed that meets all requirements of law, the County Attorney is hereby  
28 directed to prepare and certify said question to the local board of elections in accordance with the  
29 provisions of Section 7-103 (b) of the Election Law Article of the Annotated Code of Maryland.

30 BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the  
31 Board of Supervisors of Elections for Prince George's County by the Clerk of the Council.

Adopted this 24<sup>th</sup> day of July, 2012.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Andrea C. Harrison  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF LAW

Rushern L. Baker, III  
County Executive

August 14, 2012

Ms. Alisha L. Alexander  
Elections Administrator  
Prince George's County Board of Elections  
16201 Trade Zone Avenue, Suite 108  
Upper Marlboro, Maryland 20774

Dear Ms. Alexander:

Pursuant to Section 7-103 of the Election Law Article of the Annotated Code of Maryland, I am transmitting the enclosed local ballot questions for the November 6, 2012 General Election, which this office has prepared and certified.

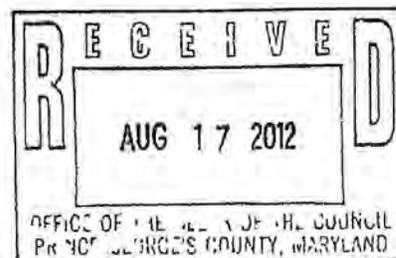
Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

M. Andree Green  
County Attorney

Enclosure

~~cc: Redis C. Floyd, Clerk of the Council~~



**QUESTION A**

**CHARTER REQUIRED REFERENDUM  
(CB-55-2012)  
PROPOSED CHARTER AMENDMENT**

To authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION B**

**CHARTER REQUIRED REFERENDUM  
(CB-57-2012)  
PROPOSED CHARTER AMENDMENT**

To amend the procedure for approval of multiyear contracts by resolution of the County Council upon notice and public hearing.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION C**

**CHARTER REQUIRED REFERENDUM  
(CB-46-2012)  
LIBRARY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$45,150,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library Facilities, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION D**

**CHARTER REQUIRED REFERENDUM  
(CB-47-2012)  
COUNTY BUILDINGS BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$75,823,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County Buildings, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION E**

**CHARTER REQUIRED REFERENDUM  
(CB-48-2012)  
PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$156,354,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire Department Facilities), as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION F**

**CHARTER REQUIRED REFERENDUM  
(CB-49-2012)  
PUBLIC WORKS AND TRANSPORTATION FACILITIES**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$193,383,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance facilities), as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION G**

**CHARTER REQUIRED REFERENDUM  
(CB-50-2012)  
COMMUNITY COLLEGE FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$156,047,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Community College Facilities, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**Myers, Theresa D.**

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**From:** Myers, Theresa D.  
**Sent:** Thursday, September 06, 2012 1:16 PM  
**To:** Enquirer Gazette (legals@somdnews.com); 'brenda'; 'Sherry Sanderson'  
**Cc:** Floyd, Ree C.; Zavakos, Karen T.  
**Subject:** 1 legal ad  
**Attachments:** BALLOT QUESTIONS 2012 PUBLIC NOTICE.doc

Please find attached 1 legal notice for insertion in the 10/4/2012; 10/11/2012; 10/18/2012; 10/25/2012 and 11/1/2012 editions of your newspapers. In accordance with the Charter, this legal notice advertising the 2012 ballot questions must appear 5 times prior to the general election (11/6/2012).

Please provide a proof copy as soon as possible.

Also please note the billing information on the attached notice and as noted below:

**PLEASE SEND BILL TO:**  
**The Office of the County Executive**  
**Prince George's County**  
**14741 Governor Oden Bowie Drive**  
**Upper Marlboro, Maryland 20772**  
**Attention: Karlene W. Proctor, Office Manager**  
**Telephone: 301-952-3785**  
**Fax: 301-952-3784**

Thank you very much and if you have any questions or concerns, please give me a call.

*Terry Myers*  
*Office of the Clerk of the Council*  
*14741 Governor Oden Bowie Drive, Room 2198*  
*Upper Marlboro, Maryland 20772*  
*301-952-3601*  
*fax 301-952-5178*

## PUBLIC NOTICE

Pursuant to Section 1105 of the Charter for Prince George's County, Maryland, notice is hereby given that the following two (2) amendments to the Charter for Prince George's County, Maryland (Questions A and B), will be submitted to the voters of Prince George's County, Maryland, at the General Election to be held on November 6, 2012, and if at said election a majority of the votes cast on this question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election.

Pursuant to Section 323 of the Charter for Prince George's County, Maryland, notice is hereby given that the following five (5) bond enabling act referenda (Questions C, D, E, F and G) will be submitted to the voters of Prince George's County, Maryland, at the General Election to be held on November 6, 2012, and if at said election a majority of the votes cast on each question shall be in favor of the proposed enabling act, such act shall stand approved.

### QUESTION A COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2012 Legislative Session

Bill No.	CB-55-2012
Chapter No.	23
Proposed and Presented by	Council Member Harrison
Introduced by	Council Members Harrison and Turner
Date of Introduction	June 19, 2012

### CHARTER AMENDMENT

AN ACT concerning

Amendment of Section 305, Charter of Prince George's County

For the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

BY proposing an amendment to:

Section 305,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 305, Charter of Prince George's County, Maryland, is hereby proposed:

#### Sec. 305. Redistricting Procedure.

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan,

together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2012 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 6, 2012, and shall be placed on the ballot in the following form:

**PROPOSED CHARTER AMENDMENT**

To authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

Adopted this 24<sup>th</sup> day of July, 2012, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND  
BY: Andrea C. Harrison  
Chair

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

**QUESTION B**  
**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2012 Legislative Session**

Bill No.	CB-57-2012
Chapter No.	24
Proposed and Presented by	Council Chair Harrison
Introduced by	Council Members Harrison, Davis and Turner
Date of Introduction	June 19, 2012

**CHARTER AMENDMENT**

AN ACT concerning

Amendment of Section 819, Charter of Prince George's County

PUBLIC NOTICE

Pursuant to Section 1105 of the Charter for Prince George's County, Maryland, notice is hereby given that the following two (2) amendments to the Charter for Prince George's County, Maryland (Questions A and B), will be submitted to the voters of Prince George's County, Maryland, at the General Election to be held on November 6, 2012, and if at said election a majority of the votes cast on this question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election.

Pursuant to Section 323 of the Charter for Prince George's County, Maryland, notice is hereby given that the following five (5) bond enabling act referenda (Questions C, D, E, F and G) will be submitted to the voters of Prince George's County, Maryland, at the General Election to be held on November 6, 2012, and if at said election a majority of the votes cast on each question shall be in favor of the proposed enabling act, such act shall stand approved.

QUESTION A  
COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
2012 Legislative Session

Bill No. CB-55-2012  
Chapter No. 23  
Proposed and Presented by Council Member Harrison  
Introduced by Council Members Harrison and Turner  
Date of Introduction June 19, 2012

CHARTER AMENDMENT

AN ACT concerning

Amendment of Section 305, Charter of Prince George's County  
For the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

BY proposing an amendment to:  
Section 305,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 305, Charter of Prince George's County, Maryland, is hereby proposed:  
**Sec. 305. Redistricting Procedure.**

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2012 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 6, 2012, and

shall be placed on the ballot in the following form:

PROPOSED CHARTER AMENDMENT

To authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

Adopted this 24th day of July, 2012, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND  
BY: Andrea C. Harrison  
Chair

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

QUESTION B  
COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
2012 Legislative Session  
Bill No. CB-57-2012  
Chapter No. 24  
Proposed and Presented by Council Chair Harrison  
Introduced by Council Members Harrison, Davis and Turner  
Date of Introduction June 19, 2012

CHARTER AMENDMENT

AN ACT concerning  
Amendment of Section 819, Charter of Prince George's County  
For the purpose of proposing an amendment to Section 819 of the Charter of Prince George's County to amend the procedure for approval of multi-year contracts by resolution of the County Council upon notice and public hearing.

BY proposing an amendment to:  
Section 819,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 819, Charter of Prince George's County, Maryland, is hereby proposed:

Sec. 819. Appropriation Control and Certification of Funds.

No agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated in the budget for such fiscal year, or in any supplemental appropriation as herein provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount to be fixed by legislative act, unless the Director of Finance or his designee shall first certify that the funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the County Executive or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter. Nothing in this Charter shall authorize the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made for personal service contracts exceeding an aggregate of One Hundred Thousand Dollars (\$100,000.00) per contractor, or such other sum as may be set by legislative act, and an aggregate of Five Hundred Thousand Dollars (\$500,000.00) for all other multiyear contracts, or such other sum as may be set by legislative act, provided the nature of such transactions reasonably requires the making of such contracts, unless such contracts are approved by [legislative act] resolution of the County Council upon notice and public hearing. No language in such contract, including language subjecting the contract to further funding availability, shall obviate the requirement that all multiyear contracts shall be approved by [legislative act] resolution of the County Council upon notice and public hearing. Any contract, lease, or other obligation requir-

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2012 Legislative Session

Bill No. CB-55-2012

Chapter No. 23

Proposed and Presented by Council Member Harrison

Introduced by Council Members Harrison and Turner

Co-Sponsors

Date of Introduction June 19, 2012

CHARTER AMENDMENT

AN ACT concerning

Amendment of Section 305, Charter of Prince George's County

For the purpose of proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

BY proposing an amendment to:

Section 305,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 305, Charter of Prince George's County, Maryland, is hereby proposed:

Sec. 305. Redistricting Procedure.

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is

to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2012 General Election pursuant to Section 1105 of the Charter.

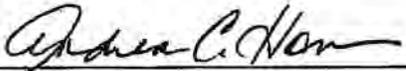
SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 6, 2012, and shall be placed on the ballot in the following form:

**PROPOSED CHARTER AMENDMENT**

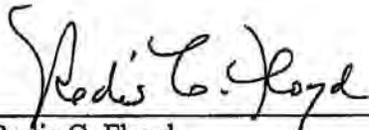
To authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

Adopted this 24<sup>th</sup> day of July, 2012, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
Andrea C. Harrison  
Chair

ATTEST:

  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

\* \* \* \* \*

**Prince George's County Council**  
**Agenda Item Summary**

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**Meeting Date:** 7/24/2012  
**Reference No.:** CB-055-2012  
**Draft No.:** 1  
**Proposer(s):** Harrison  
**Sponsor(s):** Harrison, Turner  
**Item Title:** An Act proposing an amendment to Section 305 of the Charter of Prince George's County to authorize legislative action on the decennial County Council redistricting plan by resolution upon notice and public hearing.

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**Drafter:** Legislative Officers,  
**Resource Personnel:** Legislative Officers

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>	6/19/2012 - C.O.W.	<b>Effective Date:</b>
<b>Committee Action:</b>	6/19/2012 - FAV	
<b>Date Introduced:</b>	6/19/2012	
<b>Public Hearing:</b>	7/24/2012 - 10:00 AM	
<b>Council Action (1)</b>	7/24/2012 - ENACTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:-	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>	Subject to referendum	

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**AFFECTED CODE SECTIONS:**  
CHARTER-0305

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**COMMITTEE REPORTS:**

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This proposed Charter Amendment authorizes the adoption of a County Council redistricting plan by resolution upon notice and public hearing.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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THE PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF LAW

Rushern L. Baker, III  
County Executive

August 18, 2014

Ms. Alisha L. Alexander  
Elections Administrator  
Prince George's County Board of Elections  
16201 Trade Zone Avenue, Suite 108  
Upper Marlboro, Maryland 20774

Dear Ms. Alexander:

Pursuant to Section 7-103 of the Election Law Article of the Annotated Code of Maryland, this office certifies the legality of the local ballot questions for the November 4, 2014 General Election, which are enclosed.

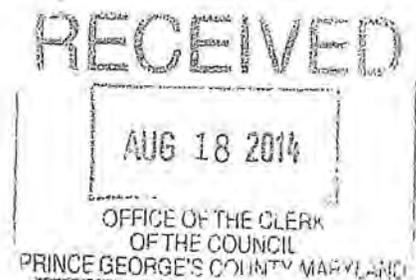
Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

  
M. Andree Green  
County Attorney

Enclosure

✓ cc: Redis C. Floyd, Clerk of the Council



App 269

**QUESTION A**

**CHARTER REQUIRED REFERENDUM  
(CB-44-2014)  
PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$240,839,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire/EMS Department Facilities), as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION B**

**CHARTER REQUIRED REFERENDUM  
(CB-45-2014)  
LIBRARY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$32,243,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Library Facilities, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION C**

**CHARTER REQUIRED REFERENDUM  
(CB-46-2014)  
COMMUNITY COLLEGE FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$93,617,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Community College Facilities, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION D**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-47-2014)**  
**COUNTY BUILDINGS BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$238,182,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County Buildings, as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION E**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-48-2014)**  
**PUBLIC WORKS AND TRANSPORTATION FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$122,385,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Works and Transportation Facilities (including roads and bridges, parking lots, and maintenance facilities), as defined therein.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION F**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-50-2014)**  
**PROPOSED CHARTER AMENDMENT**

To clarify that general obligation bonds shall be in serial and/or term form.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION G**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-51-2014)**  
**PROPOSED CHARTER AMENDMENT**

To provide that immediately upon a vacancy in the Office of the County Executive, the Chief Administrative Officer shall become the Acting County Executive until a County Executive is chosen by the methods established in this Section of the Charter.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION H**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-52-2014)**  
**PROPOSED CHARTER AMENDMENT**

To change the number of designated newspapers of record from three to one or more; and to designate two or more primary sources of County maintained electronic media available to the public for publication and transmission of official County notices.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION I**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-53-2014)**  
**PROPOSED CHARTER AMENDMENT**

To include disability and sexual orientation as additional bases of prohibited discrimination in the County personnel system.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION J**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-54-2014)**  
**PROPOSED CHARTER AMENDMENT**

To increase the number of consecutive terms that a person may serve on the County Council or as County Executive from two terms to three terms.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
(301) 952-3600

August 7, 2014

## MEMORANDUM

**TO:** Alisha L. Alexander  
Elections Administrator  
1100 Mercantile Lane, Suite 115A  
Largo, Maryland 20774

**FROM:** Redis C. Floyd  
Clerk of the Council

**RE:** Certification of Local Ballot Questions

Please find attached Council Resolution 73-2014, which lists the local questions, and designates the order and the form in which the questions shall be placed on the 2014 ballot. For your information, included are certified copies of the Council Bills which include the bond questions and Charter amendments for the November 4, 2014 election.

Should you have any questions or need additional information regarding this matter, please do not hesitate to contact my office.

cc: Robert J. Williams, Council Administrator  
M. Andree Green, County Attorney  
Kathleen H. Canning, Legislative Officer  
Colette R. Gresham, Legislative Officer  
Karen T. Zavakos, Legislative Officer

Attachments



THE PRINCE GEORGE'S COUNTY GOVERNMENT  
OFFICE OF LAW

Rushern L. Baker, III  
County Executive

M. Andree Green  
County Attorney

Sean G. Dixon  
Deputy County Attorney

Bridgette A. Greer  
Deputy County Attorney

Jared M. McCarthy  
Deputy County Attorney

William A. Snoddy  
Deputy County Attorney

August 12, 2014

Ms. Alisha L. Alexander  
Elections Administrator  
Prince George's County Board of Elections  
16201 Trade Zone Avenue, Suite 108  
Upper Marlboro, Maryland 20774

Dear Ms. Alexander:

Pursuant to Section 7-103 of the Election Law Article of the Annotated Code of Maryland, I am transmitting the enclosed local ballot questions for the November 4, 2014 General Election, which this office certifies it legality.

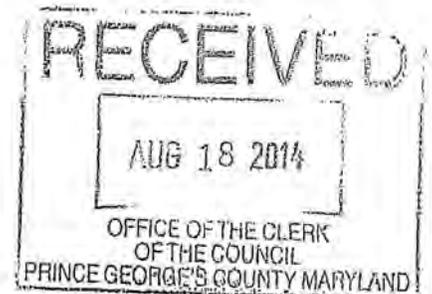
Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,

M. Andree Green  
County Attorney

Enclosure

✓ cc: Redis C. Floyd, Clerk of the Council



14741 Gov. Oden Bowie Drive, Suite 5121, Upper Marlboro, Maryland 20772  
(301) 952-5225 FAX (301) 952-3071

App 275

**QUESTION A**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-44-2014)**

**PUBLIC SAFETY FACILITIES BONDS**

An Act enabling the County to borrow money and issue bonds in an amount not exceeding \$240,839,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of Public Safety Facilities (including Fire/EMS Department Facilities), as defined therein.

FOR THE CHARTER REFERENDUM  
AGAINST THE CHARTER REFERENDUM

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**CHARTER REQUIRED REFERENDUM**  
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FOR THE CHARTER REFERENDUM  
AGAINST THE CHARTER REFERENDUM

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AGAINST THE CHARTER REFERENDUM

**QUESTION D**  
**CHARTER REQUIRED REFERENDUM**  
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FOR THE CHARTER REFERENDUM  
AGAINST THE CHARTER REFERENDUM

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FOR THE CHARTER REFERENDUM  
AGAINST THE CHARTER REFERENDUM

**QUESTION F**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-50-2014)**

**PROPOSED CHARTER AMENDMENT**

To clarify that general obligation bonds shall be in serial and/or term form.

FOR THE CHARTER REFERENDUM  
AGAINST THE CHARTER REFERENDUM

**QUESTION G**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-51-2014)**

**PROPOSED CHARTER AMENDMENT**

To provide that immediately upon a vacancy in the Office of the County Executive, the Chief Administrative Officer shall become the Acting County Executive until a County Executive is chosen by the methods established in this Section of the Charter.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION H**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-52-2014)**

**PROPOSED CHARTER AMENDMENT**

To change the number of designated newspapers of record from three to one or more; and to designate two or more primary sources of County maintained electronic media available to the public for publication and transmission of official County notices.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**QUESTION I**  
**CHARTER REQUIRED REFERENDUM**  
**(CB-53-2014)**

**PROPOSED CHARTER AMENDMENT**

To include disability and sexual orientation as additional bases of prohibited discrimination in the County personnel system.

FOR THE CHARTER REFERENDUM

AGAINST THE CHARTER REFERENDUM

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2014 Legislative Session**

Bill No. CB-52-2014

Chapter No. 27

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Davis and Harrison

Co-Sponsors \_\_\_\_\_

Date of Introduction June 30, 2014

**CHARTER AMENDMENT**

1 AN ACT concerning

2 Amendment of Sections 317, 809, 1008, and 1105, Charter of Prince George's County

3 For the purpose of proposing amendments to Sections 317, 809, 1008, and 1105 of the Charter of  
4 Prince George's County to change the number of designated newspapers of record from three to  
5 one or more; and to designate two or more primary sources of County maintained electronic  
6 media available to the public for publication and transmission of official County notices.

7 BY proposing an amendment to:

8 Section 317, 809, 1008, and 1105,

9 Charter of Prince George's County, Maryland.

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that the following amendment to Section 317, 809, 1008, and 1105, Charter of Prince  
12 George's County, Maryland, is hereby proposed:

13 **Section 317. Enactment of Legislation.**

14 Every law of the County shall be styled: "Be it enacted by the County Council of Prince  
15 George's County, Maryland." The Council shall enact no law except by bill. The subject of  
16 every law shall be described in its title. Every law enacted by the Council, except the budget law  
17 and supplementary appropriation laws, shall embrace but one subject. No law or section of law  
18 shall be revived or amended by reference to its title only. A bill may be introduced by any  
19 member of the Council on any legislative session-day of the Council. On the introduction of any  
20 bill, a copy thereof and notice of the time and place of the public hearing on the bill shall be

1 posted by the Clerk of the Council within ten days on an official bulletin board to be set up by  
2 the Council in a public place and by any other such methods as the Council shall dictate.  
3 Additional copies of the bill shall be made available to the public and to the press. Every copy of  
4 each bill shall bear the name of the member of the Council introducing it and the date it was  
5 introduced. Within ten days following the introduction of a bill the Clerk of the Council shall  
6 schedule and give public notice of a public hearing on the bill, which hearing shall not be less  
7 than fourteen days after its introduction. The Council may reject any bill on its introduction  
8 without a hearing by a majority vote of the members of the full Council. Such public notice shall  
9 be published in the County newspapers of record and in media for public notice as defined in  
10 Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative  
11 session-day and may be adjourned from time to time. After the public hearing, a bill may be  
12 finally enacted on a legislative session-day with or without amendment, except, that if a bill is  
13 amended before enactment and the amendment constitutes a change of substance, the bill shall  
14 not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set  
15 thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by  
16 the last day of November of each year shall be considered to have failed. To meet a public  
17 emergency affecting the public health, safety, or welfare, the County may enact emergency bills.  
18 Every emergency bill shall be plainly designated as such and shall contain, after the enacting  
19 clause, a declaration stating that an emergency exists and describing the claimed emergency in  
20 clear and specific terms. The term "emergency bill" shall not include any measure creating or  
21 abolishing any office; changing the compensation, term, or duty of any officer; granting any  
22 franchise or special privilege; or creating any vested right or interest. No bill shall be enacted  
23 except by the affirmative vote of a majority of the full Council. No emergency bill shall be  
24 enacted except by an affirmative vote of two-thirds of the members of the full Council. In the  
25 event of an emergency declared by the Governor pursuant to provisions of State law, which  
26 emergency affects any part or all of Prince George's County, the Council may provide, by law,  
27 for modification of voting, quorum, and publication requirements consistent with State law, for  
28 matters relating to and necessary to respond to the emergency.

29 **Section 809. Public Budget Hearings and Action on the Budget by the Council.**

30 Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be  
31 published a notice of the place and time of at least two public hearings on the budget by the

1 Council. Such public notice shall be published in the County newspapers of record and in media  
2 for public notice as defined in Section 1008 of this Charter. The Council may hold such other  
3 preliminary hearings on the budget for the purpose of obtaining information as it may determine,  
4 but no action shall be taken by the Council on the budget except in public session. After the final  
5 public budget hearing, the Council may not add new items but may increase, decrease, or delete  
6 any items in the budget except those required by the laws of this State or of this County, and  
7 except any provisions for debt service on obligations then outstanding or for estimated cash  
8 deficits. The Council shall have no power to change the form of the budget as submitted by the  
9 Executive or to alter the revenue estimates except to correct mathematical errors, or, by a vote of  
10 two-thirds of the members of the full County Council, adjust the revenue estimates by an  
11 increase or decrease of no more than one percent (1%). The adoption of the operating budget,  
12 the capital budget and the capital program shall be by the affirmative vote of not less than a  
13 majority of the full Council by a law to be known as the Annual Budget and Appropriation  
14 Ordinance of Prince George's County. The Annual Budget and Appropriation Ordinance shall be  
15 adopted by the Council on or before June 1 of each fiscal year, and if the Council fails to do so,  
16 the proposed operating budget submitted by the County Executive shall stand adopted, and funds  
17 for the expenditures proposed in the current expense budget shall stand appropriated as fully and  
18 to the same extent as if favorable action thereon had been taken by the Council.

19 **Section 1008. Newspapers of Record.**

20 The Council shall designate [three] one or more County newspapers of record and shall  
21 designate two or more primary sources of County maintained electronic media available to the  
22 public for the publication and transmission of official County notices. [The three newspapers of  
23 record shall have a combined circulation of not less than three percent of the population of the  
24 County.] Such designation shall be for at least one year and shall, insofar as possible, provide  
25 County-wide [coverage] access. At least four weeks' public notice shall be given prior to any  
26 change in newspapers of record. Where a newspaper of record is sold to or merged with another  
27 newspaper, the designation shall continue in the new newspaper if circulation is continued to the  
28 previous subscribers, unless the designation is declined by the paper. Where the circulation of a  
29 newspaper of record is not continued, or the designation is declined, for any reason, the County  
30 Council may designate another newspaper of record without public notice for a temporary or  
31 permanent period.

1 **Section 1105. Charter Amendment.**

2 Amendments to this Charter may be proposed by an act of the Council approved by not less  
 3 than two-thirds of the members of the full Council, and such action shall be exempt from  
 4 executive veto. Amendments may also be proposed by petition filed with the County Executive  
 5 and signed by 10,000 registered voters of the County. When so proposed, whether by act of the  
 6 Council or by petition, the question shall be submitted to the voters of the County at the next  
 7 general election occurring after the passage of said act or the filing of said petition; and if at said  
 8 election the majority of votes cast on the question shall be in favor of the proposed amendment,  
 9 such amendment shall stand adopted from and after the thirtieth day following said election.  
 10 Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the  
 11 County Executive in the County newspapers of record and in media for public notice as defined  
 12 in Section 1008 of this Charter for five successive weeks prior to the election at which the  
 13 question shall be considered by the voters of the County.

14 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the  
 15 County Executive for publication and that a copy also be transmitted to the Board of Supervisors  
 16 of Elections for submission of the proposed amendment to the voters of this County at the 2014  
 17 General Election pursuant to Section 1105 of the Charter.

18 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed  
 19 Charter Amendment shall be submitted to the voters of the County at the General Election  
 20 occurring on November 4, 2014, and shall be placed on the ballot in the following form:

21  
 22 PROPOSED CHARTER AMENDMENT

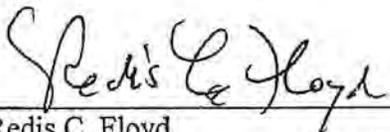
23 To change the number of designated newspapers of record from three to one or more; and  
 24 to designate two or more primary sources of County maintained electronic media available  
 25 to the public for publication and transmission of official County notices.

1        Adopted this 23rd day of July, 2014, by an affirmative vote of two-thirds of the members of  
2 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:   
\_\_\_\_\_  
Mel Franklin  
Chairman

ATTEST:

  
\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.

**Prince George's County Council**  
**Agenda Item Summary**

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**Meeting Date:** 7/23/2014  
**Reference No.:** CB-052-2014  
**Draft No.:** 2  
**Proposer(s):** Franklin  
**Sponsor(s):** Franklin, Davis, Harrison  
**Item Title:** An Act proposing amendments to Sections 317, 809, 1008, and 1105 of the Charter of Prince George's County to change the number of designated newspapers of record from three to one or more; and to designate two or more primary sources of County maintained electronic media available to the public for publication and transmission of official County notices.

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**Drafter:** Kathleen H. Canning, Legislative Officer  
**Resource Personnel:** Kathleen H. Canning, Legislative Officer  
Colette R. Gresham, Legislative Officer

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**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>		<b>Executive Action:</b>
<b>Committee Referral:</b>	6/30/2014 - C.O.W.	<b>Effective Date:</b>
<b>Committee Action:</b>	7/8/2014 - FAV	
<b>Date Introduced:</b>	6/30/2014	
<b>Public Hearing:</b>	7/23/2014 - 10:00 AM	
<b>Council Action (1)</b>	7/23/2014 - ENACTED	
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A	
<b>Pass/Fail:</b>	P	
<b>Remarks:</b>	Subject to referendum on 11/4/2014	

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**AFFECTED CODE SECTIONS:**

CHARTER-0317, CHARTER-0809, CHARTER-1008, CHARTER-1015

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**COMMITTEE REPORTS:**

**COMMITTEE OF THE WHOLE**

**Date 7/8/2014**

CB-52-2014 was introduced on June 30, 2014. It was referred to the Committee of the Whole. The Committee of the Whole met on July 8, 2014 and voted favorable with recommended amendments with a vote of 8-0.

As drafted, the County is required to designate at minimum one primary source of County maintained electronic media available to the public for publication and transmission of official County notices.

The recommended amendment requires the County to designate two or more primary sources of County maintained electronic media available to the public for publication and transmission of official County notices.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This charter amendment bill proposes to change the number of designated newspapers of record from three to one or more; and to designate at minimum one primary source of County maintained electronic media available to the public for publication and transmission of official County notices.

7/23/2014: CB-52-2014 was amended on the floor as follows:

1. On page 1, in line 5, strike "at minimum one" and substitute "two or more"; and on page 1, in line 5, strike "source" and substitute "sources".
2. On page 3, in line 20, strike "at minimum one" and substitute "two or more"; and on page 3, in line 20, strike "source" and substitute "sources".
3. On page 4, in line 24, strike "at minimum one" and substitute "two or more"; and on page 4, in line 24, strike "source" and substitute "sources".

CB-52-2014 (DR-2) was enacted.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2014 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 4, 2014, and shall be placed on the ballot in the following form:

**PROPOSED CHARTER AMENDMENT**

To provide that immediately upon a vacancy in the Office of the County Executive, the Chief Administrative Officer shall become the Acting County Executive until a County Executive is chosen by the methods established in this Section of the Charter.

Adopted this 23rd day of July, 2014, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND  
BY: Mel Franklin  
Chairman

ATTEST:  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

**QUESTION H**  
**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2014 Legislative Session**

Bill No. CB-52-2014 (DR-2)  
Chapter No. 27  
Proposed and Presented by Council Member Franklin  
Introduced by Council Members Franklin, Davis and Harrison  
Co-Sponsors \_\_\_\_\_  
Date of Introduction June 30, 2014

**CHARTER AMENDMENT**

AN ACT concerning

Amendment of Sections 317, 809, 1008, and 1105, Charter of Prince George's County  
For the purpose of proposing amendments to Sections 317, 809, 1008, and 1105 of the Charter of Prince George's County to change the number of designated newspapers of record from three to one or more; and to designate two or more primary sources of County maintained electronic media available to the public for publication and transmission of official County notices.

BY proposing an amendment to:

Section 317, 809, 1008, and 1105,  
Charter of Prince George's County, Maryland.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the following amendment to Section 317, 809, 1008, and 1105, Charter of Prince George's County, Maryland, is hereby proposed:

**Section 317. Enactment of Legislation.**

Every law of the County shall be styled: "Be it enacted by the County Council of Prince George's County, Maryland." The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the public hearing on the bill shall be posted by the Clerk of the Council within ten days on an official bulletin board to be set up by the Council in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. Within ten days following the introduction of a bill the Clerk of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a majority vote of the members of the full Council. Such public notice shall be published in the County newspapers of record and in media for public notice as defined in Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council. In the event of an emergency declared by the Governor pursuant to provisions of State law, which emergency affects any part or all of Prince George's County, the Council may provide, by law, for modification of voting, quorum, and publication requirements consistent with State law, for matters relating to and necessary to respond to the emergency.

**Section 809. Public Budget Hearings and Action on the Budget by the Council.**

Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be published a notice of the place and time of at least two public hearings on the budget by the Council. Such public notice shall be published in the County newspapers of record and in media for public notice as defined in Section 1008 of this Charter. The Council may hold such other preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the Council on the budget except in public session. After the final public budget hearing, the Council may not add new items but may increase, decrease, or delete any items in the budget except those required by the laws of this State or of this County, and except any provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as submitted by the Executive or to alter the revenue estimates except to correct mathematical errors, or, by a vote of two-thirds of the members of the full County Council, adjust the revenue estimates by an increase or decrease of no more than one percent (1%). The adoption of the operating budget, the capital budget and the capital program shall be by the affirmative vote of not less than a



# Prince George's County Council

Wayne K. Curry Administration  
Building  
1301 McCormick Dr  
Largo, MD 20774

## Meeting Minutes - Final County Council

*Calvin S. Hawkins, II, Chair, At-Large*  
*Derrick Leon Davis, District 6*  
*Thomas E. Dernoga, District 1*  
*Mel Franklin, At-Large*  
*Dannielle M. Glaros, District 3*  
*Sydney J. Harrison, District 9*  
*Jolene Ivey, District 5*  
*Rodney C. Streeter, District 7*  
*Deni L. Taveras, Vice Chair, District 2*  
*Todd M. Turner, District 4*  
*Vacant - District 8 (effective: 11/8/2021)*

*Robert J. Williams, Jr., Council Administrator*

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Tuesday, October 19, 2021

10:00 AM

VIRTUAL MEETING

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**VIEW USING THE LINK PROVIDED AT: <https://pgccouncil.us/LIVE>**

**10:00 A.M. - CALL TO ORDER - (VIRTUAL MEETING)**

*The meeting was called to order at 10:09 a.m. by Council Chair Hawkins with 10 members present at roll call.*

**Present:** 10 - Council Member Jolene Ivey  
Vice Chair Deni Taveras  
Council Member Todd Turner  
Chair Calvin S. Hawkins  
Council Member Monique Anderson-Walker  
Council Member Derrick Davis  
Council Member Thomas Dernoga  
Council Member Mel Franklin  
Council Member Dannielle Glaros  
Council Member Sydney Harrison

**Absent:** Council Member Rodney Streeter



**Sponsor(s):** Davis, Franklin, Harrison, Hawkins, Taveras and Turner

**Attachment(s):** [R2021123](#)  
[Attachment A](#)  
[Attachment B](#)  
[Attachment C](#)  
[Attachment D](#)  
[Attachment E](#)  
[Attachment F](#)  
[Attachment G](#)  
[Attachment H](#)  
[Attachment I](#)  
[Attachment J](#)  
[Attachment K](#)  
[Attachment L](#)  
[Attachment M](#)  
[Attachment N](#)  
[Attachment O](#)  
[Attachment P](#)  
[Attachment Q](#)  
[CR-123-2021 AIS](#)

*Karen Zavakos, Zoning and Legislative Counsel, provided an overview of CR-123-2021 and the procedural posture. Dr. Nathaniel Persily, Consultant, provided an overview of Proposed Amendment No. 1.*

**A motion was made by Council Member Dernoga, seconded by Council Member Ivey, that this Resolution be amended. The motion failed by the following vote:**

<b>Aye</b>	4 - Ivey, Anderson-Walker, Dernoga and Glaros
<b>Nay</b>	6 - Taveras, Turner, Hawkins, Davis, Franklin and Harrison
<b>Absent</b>	Streeter

**A motion was made by Council Member Franklin, seconded by Chair Hawkins, that this Resolution be amended. The motion carried by the following vote:**

<b>Aye</b>	6 - Taveras, Turner, Hawkins, Davis, Franklin and Harrison
<b>Nay</b>	4 - Ivey, Anderson-Walker, Dernoga and Glaros
<b>Absent</b>	Streeter

*Section 305 of the County Charter provides that the boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter; and*

*that a commission on redistricting be appointed to prepare, publish, and make available a plan of Council districts, together with a report explaining it, for County Council consideration on or before September 1 of the year prior to the year in which redistricting is to be effective. Further, Section 305 of the County Charter requires a public hearing on the 2021 Redistricting Plan and adoption of the Plan, by resolution, as an act of the County Council.*

**This Resolution was introduced by Council Members Davis, Franklin, Harrison, Hawkins, Taveras, and Turner.**

#### **4. SECOND READING OF BILLS – (INTRODUCTION)**

CB-063-2021

Draft 2

**AN ACT CONCERNING BUILDING CODE OF PRINCE GEORGE’S COUNTY** for the purpose of creating a Use and Occupancy Verification Letter, adopting an additional fee for the investigation and issuance of the Use and Occupancy Verification Letter.

**Sponsor(s):** Hawkins, Turner, Davis, Taveras, Glaros, Harrison, Franklin and Dernoga

**Attachment(s):** [B2021063](#)  
[CB-063-2021 AIS](#)  
[CB-063-2021 Transmittal Letter](#)  
[CB-063-2021 Report](#)

*Jackie Brown, Director of the Planning, Housing and Economic Development Committee (PHED) provided a verbal report of the actions and recommendations of the Committee of the Whole for CB-063-2021.*

*The purpose of this Bill is to provide property owners with a certification regarding zoning compliance. The proposed fee for the issuance of the Zoning Compliance Letter supports the staff time to research the use of the property to determine if it is in compliance with Subtitle 27.*

**This Council Bill was introduced by Council Members Hawkins, Turner, Davis, Taveras, Glaros, Harrison, Franklin, and Dernoga.**

CB-092-2021

Draft 1

**AN ACT CONCERNING PRE-SETTLEMENT AND POST-SETTLEMENT OCCUPANCY AGREEMENTS IN RENTAL HOUSING TRANSACTIONS** for the purpose of establishing exemptions from rental licensing requirements for buyers and sellers of real property that enter into Pre-Settlement Occupancy Agreements and Post-Settlement Occupancy Agreements, for a term of 90 days or less, in Prince George’s County, Maryland.

CB-114-2021

Draft 1

**AN ACT CONCERNING COLLECTIVE BARGAINING AGREEMENT - COUNCIL 67, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AND ITS AFFILIATED LOCAL 241 (SCHOOL CROSSING GUARDS)** for the purpose of amending the labor agreement by and between Prince George's County, Maryland and Council 67, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, and its affiliated Local 241 to provide for wages and certain other terms and conditions of employment for personnel classifications certified by the Prince George's County Public Employee Relations Board or as amended by the Office of Human Resources Management from time to time.

**Sponsor(s)**: Hawkins, Anderson-Walker, Turner, Harrison, Dernoga, Ivey, Taveras, Glaros, Franklin and Davis

**Attachment(s)**: [B2021114](#)  
[CB-114-2021 Attachment](#)  
[CB-114-2021 AIS](#)  
[CB-114-2021 Transmittal Letter](#)  
[CB-114-2021 Report](#)

*Howard W. Stone, Director of the Government Operations and Fiscal Policy Committee (GOFP), provided a verbal report of the actions and recommendations of the Committee of the Whole for CB-114-2021.*

*Prince George's County, Maryland (the County) and Council 67, American Federation of State, County and Municipal Employees, AFL-CIO, and its affiliated Local 241 has completed labor negotiations on a two-year labor agreement covering Fiscal Years 2021 and 2022. This Bill is to adopt and approve the referenced collective bargaining agreement in accordance with Section 16-233(f) of the Personnel Law.*

**This Council Bill was introduced by Council Members Hawkins, Anderson-Walker, Turner, Harrison, Dernoga, Ivey, Taveras, Glaros, Franklin, and Davis.**

## **SECOND READING OF BILLS – (INTRODUCTION) (CONTINUED)**

CB-115-2021

Draft 1

**AN ACT CONCERNING 2021 PRINCE GEORGE'S COUNTY COUNCIL REDISTRICTING PLAN** for the purpose of enacting a plan of County Council district boundaries in accordance with Section 305 of the County Charter.

**Sponsor(s)**: Davis, Franklin, Harrison, Hawkins, Taveras and Turner

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**Attachment(s):** [B2021115](#)  
[CB-115-2021 Attachment A](#)  
[CB-115-2021 Attachment B](#)  
[CB-115-2021 Attachment C](#)  
[CB-115-2021 Attachment D](#)  
[CB-115-2021 Attachment E](#)  
[CB-115-2021 Attachment F](#)  
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[CB-115-2021 Attachment P](#)  
[CB-115-2021 Attachment Q](#)  
[CB-115-2021 AIS](#)

*The Chair announced that CB-115-2021 was removed from the agenda as not necessary due to the introduction of CR-123-2021.*

**This Council Bill was removed from the agenda.**

## **5. PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)**

[CB-046-2021](#)  
Draft 2

**AN ACT CONCERNING STORMWATER MANAGEMENT AND RESIDENTIAL RESILIENCE RETROFIT PROGRAM** for the purpose of providing for certain definitions; establishing and administering the Stormwater Management and Residential Resilience Retrofit Program; providing for eligibility requirements; providing for certain rebates; providing for a certain increase in certain residential lifetime rebate ceilings; providing for an increase in certain municipal stormwater management projects under certain conditions; providing for conservation landscaping; providing for certain funding; providing for certain reporting; and generally relating to the Stormwater Management and Residential Resilience Retrofit Program.

**Sponsor(s):** Glaros, Dernoga, Davis, Taveras, Turner, Anderson-Walker, Ivey, Hawkins, Harrison and Franklin