

Sec. 524.1. - People's counsel.

(a) The county executive shall appoint a people's counsel who shall represent the interests of the public in general in zoning matters as hereinafter set forth, subject, however, to confirmation by the county council, and such person so appointed shall continue to serve as people's counsel until such time as he or she resigns or has been removed pursuant to the provisions herein contained:

- (1) *Qualifications:* The people's counsel shall be a resident of Baltimore County, a member in good standing of the Maryland Bar, and actively engaged in the general practice of law for at least five (5) years prior to his appointment.
- (2) *Removal:* The people's counsel may be removed at any time on the recommendation of the county executive and with the affirmative vote of not less than a majority plus one of the total number of county council members established by this Charter.

(Bill No. 90, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(3) *Powers and duties:* The people's counsel shall have the following powers and duties:

- A. He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, the planning board, and the courts on behalf of the interests of the public in general, to defend any duly enacted master plan and/or comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations, as now or hereafter in force and effect, in which he may deem the public interest to be involved. In defense of the zoning maps or master plan, he may appear as a party in interest before all state and federal agencies, boards, and courts on matters involving the preservation of the quality of the air, land, and water resources of Baltimore County, and/or may initiate such proceedings in the public interest. He shall have in such appearance, all the rights of counsel for a party in interest, including but not limited to the right to present his case, to cross examine, to object, to be heard, and to file and prosecute an appeal in his capacity as people's counsel from any order or act of the zoning commissioner of Baltimore County or his deputy, or of the county board of appeals to the courts as an aggrieved party pursuant to the provisions of Section 604 of this Charter to promote and protect the health, safety and general welfare of the community. The people's counsel may also prosecute an application before any state or federal court for injunctive and other relief incidental thereto, to enjoin violation of any Baltimore County zoning maps or master plan or as authorized by resolution by the county council.

(Bill No. 90, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- B. He shall make such investigations as he may deem necessary to the intelligent performance of his duties imposed by subparagraph A. of this Section.
- C. He shall have full access to the records of all county agencies, shall be entitled to call upon the assistance of county employees, and shall have the benefit of all other facilities or information of the county in carrying out his duties.

(4) *Employment of experts:* The people's counsel may hire from time to time, as needed, in connection with specific proceedings before the above named bodies, experts in the fields of planning, zoning, traffic, engineering, ecology and architecture, to the extent that county personnel cannot be utilized, and to expend such sums for compensation and/or expenses of these experts as shall be provided in the annual budget.

(5) *Salary and expenses:* He shall receive an annual salary and such sums as may be needed to carry out the powers and duties set forth herein as provided in the annual budget.

(Bill No. 104, 1960; Bill No. 61, 1974, § 1; Bill No. 90, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990, effective Dec. 7, 1990)

**Annotation—** *The people's counsel has the right to appeal zoning decisions. People's Counsel for Baltimore County v. Williams, 45 Md. App. 617, 415 A.2d 585 (1974).*

**Editor's note—** The publisher corrected a former reference to "matter" to read "matters" in subsection (a). Bill 61-74, which originally enacted this language, used the word "matters". The 1976 annual cumulative supplement to the 1968 Code used the word "matters" but it appears to have been changed to "matter" inadvertently on publication of the 1978 Code.

