

Bond Case Briefs

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Town of Upper Marlboro v. Prince George's County Council

Court of Appeals of Maryland - August 1, 2022 - A.3d - 2022 WL 3025099

Town filed petition for review of county council's adoption of minor amendment to remove schoolhouses from county historic sites and districts plan.

The Circuit Court denied petition, and town appealed. The Court of Special Appeals affirmed. Certiorari was granted.

The Court of Appeals held that:

- Council's initiating resolution was not final agency action subject to judicial review;
- Council's adoption of minor amendment was judicially reviewable final agency action;
- Town could challenge council's passage of minor amendment by alleging procedural deficiencies in initiating resolution;
- Council's decision to adopt minor amendment was legislative action;
- County code provision stating that minor amendment process "may" be utilized for two specific purposes did not require minor amendment to fulfill either purpose;
- Council's initiating resolution adequately set forth minor amendment's purpose; and
- Initiating resolution adequately set forth minor amendment's scope.