

**RESOLUTION 19-16  
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION APPROVING AND AUTHORIZING A REQUEST TO THE  
MARYLAND MUNICIPAL LEAGUE (“MML” OR THE “LEAGUE”) TO  
PARTICIPATE IN A PENDING LITIGATION MATTER**

Introduced By: Mayor Jacqueline Goodall

**WHEREAS**, the Town of Forest Heights (the “Town”) has authority to sue and be sued, to plead and be impleaded in any court of law or equity pursuant to the Town Charter, Section 33-1; and

**WHEREAS**, on behalf of the Town, the Mayor and Council has authorized and the Town Attorney has filed an appeal to the Court of Special Appeals of Maryland of a declaratory judgment decision regarding Annexation Resolutions 01-2014 and 02-2014 found in the recent Opinion and Order of the Circuit Court for Prince George’s County dated January 29, 2016 in Case No. CAL15-04255; and

**WHEREAS**, although it expressly does not limit the scope of appeal, the Appellant’s Civil Appeal Information Report filed in the referenced matter states the following municipal issues in the case on appeal: 1.) Does the Park and Planning Commission and Prince George’s County *et al.* have standing to contest these annexations and/or a right to consent to an annexation of their lands particularly in light of *Salisbury v. Banker's Life*, 21 Md. App. 396 (1974), 2.) Did the County receive sufficient notice of the proposed annexation to comply with Md. Local Gov., Art., § 4-406, when the Town purportedly failed to give formal notice to the County Executive, and 3.) Were the annexation notifications deficient because they failed to properly describe the annexed property in the public notice pursuant to Maryland Local Government Art., § 4-206 (e)?; and

**WHEREAS**, the Mayor and Council find that the case nullifying said municipal annexation resolutions includes several issues, including but not limited to enclaves, partial lot annexations, and consistency with growth plans that were resolved below in favor of the Town, of importance and subject to cross appeal, whereby the final resolution thereof could substantially impact, alter or modify the law concerning the exercise of municipal powers on a statewide basis; and

**WHEREAS**, according to MML’s Litigation Participation Policy, a resolution must be passed by the governing body of the member municipality that specifically identifies the participation requested and why the municipality deems the League's participation necessary or desirable accompanied by the payment of a review fee in an amount not less than five hundred dollars (\$500.00) nor more than twenty-five percent (25% or \$ 523.59) of the municipality's annual League dues, which were \$ 2,094.37 in FY 2016, and the League shall pay all costs of the review panel in excess of any review fee for which a member municipality is responsible; and

**WHEREAS**, according to said MML policy a check in the amount of five hundred dollars (\$500.00) must accompany any request for the League's participation and the League shall bill the municipality for any balance due after completion of the review process as set forth therein; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby approves and authorizes the aforesaid payment of a review fee and making of a request for the League's participation in the pending appeal as described in the above recitals, which are incorporated herein, and according to the terms and conditions stated in MML's Litigation Participation Policy; and

**AND BE IT FURTHER RESOLVED**, that, if requested by MML, the Town Attorney may make an oral presentation as to why the League's participation is necessary or desirable or submit other documentation necessary to carry out the intent of this Resolution; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon passage. PASSED this 4 day of April 2016.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>YEA</u>
MCLAURIN	<u>ABSENT FOR VOTE</u>
BARNES	<u>YEA</u>
MUHAMMAD	<u>YEA</u>
SMITH-BARNES	<u>YEA</u>
MANN	<u>YEA</u>

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

*Signature on file*

\_\_\_\_\_  
Bonita C. Anderson, Town Clerk

*Signature on file*

By: \_\_\_\_\_  
Jacqueline Goodall, Mayor

*Signature on file*

By: \_\_\_\_\_  
C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 4<sup>th</sup> day of April, 2016 with   6   Aye votes and   0   Nay vote the aforesaid Resolution 19-16 passed.

*Signature on file*

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Bonita Anderson, Town Clerk