

4/13/11  
**Patrick T. Rockinberg**  
**Mayor**

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**Peter R. Helt**  
**Council President**



**Council Members**  
**WENDI W. PETERS**  
**Secretary**

**DAVID M. BLAIS**  
**DAVID W. PYATT**  
**SCOTT D. STRONG**

June 4, 2011

The Honorable Douglas Gansler, Esquire  
Attorney General  
Office of the Maryland Attorney General  
200 St. Paul Place  
Baltimore, MD 21202

**Re: Request for Advisory Opinion as to the Authority of a Municipality's  
Legislative Body in Adopting Municipal Growth Element and/or a  
Comprehensive Plan**

Dear Attorney General Gansler:

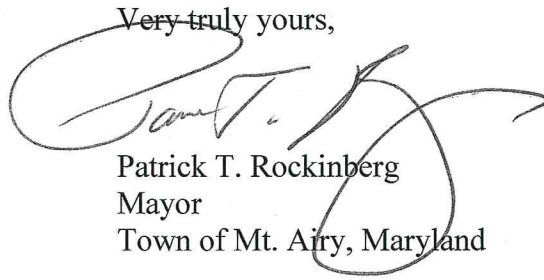
Please be advised that I am the Mayor for the Town of Mount Airy, Maryland, a Maryland municipality. Mount Airy is in the process of reviewing and adopting a new comprehensive plan as per Article 66B of the Maryland Code, Section 3.05. As a part of that process, the Town is in the process of drafting and approving a Municipal Growth Element ("MGE") as required by Article 66B, Section 3.05(a)((4)(x).

In connection with that process, I am directing to your office a request for a legal advice pursuant to your office's program of assistance to local governments as to which body as between the Town's Council and the Town Planning Commission has the power to ultimately adopt the comprehensive plan and/or the MGE. Specifically, I have been asked whether, if there is significant disagreement with respect to material aspects of the Comprehensive Plan and/or the MGE between the Town Council and the Planning Commission, whether the Town Council has power to adopt material changes to the comprehensive plan and/or the MGE as formulated by the Planning Commission, or whether the Town Council must attain a consensus and agreement from the Planning Commission as to any such changes before adopting them. The Maryland Code, Article 66B, Sections 3.05-3.09 state that the Planning Commission is to make a recommendation to the legislative body after holding a public hearing with respect to the adoption of any comprehensive plan, any part thereof or any amendment thereto.

The Town would greatly appreciate guidance from your office in undertaking its review and adoption of its comprehensive plan and the MGE. Pursuant to the guidelines for assistance to local governments, I enclose a legal opinion on the matter from the Town Attorney.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick T. Rockinberg", written over the typed name and title.

Patrick T. Rockinberg  
Mayor  
Town of Mt. Airy, Maryland

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