

**RULES OF PROCEDURE OF THE
AGRICULTURAL LAND PRESERVATION BOARD**

1.00. General

These rules are adopted pursuant to the authority of the Howard County Code, Title II “Administrative Procedures,” Subtitle I “Administrative Procedures Act.”

1.01. *Purpose.* The Agricultural Land Preservation Board (the “Board”) shall make recommendations to the County Executive on easement acquisitions, review proposals for the location of permitted lots and tenant houses on land subject to an agricultural land preservation easement, and shall exercise and execute all other duties and responsibilities pursuant to Howard County Code § 15.518(h).

1.02. *Definition.* The Howard County Agricultural Land Preservation Act, Title 15 “Natural Resources,” Subtitle 5 “Agricultural Land Preservation,” shall hereinafter be referred to as the “Act.”

2.00. Members and Duties

2.01. *Number, Qualifications and Term Limits.* The Board shall consist of seven members. All members shall be residents of Howard County. At least three of the members shall receive at least 50 percent of their annual income, at the time of their appointment, from active farming or other agricultural endeavors. At least two of the members shall receive no income from active agricultural endeavors during their tenure on the Board. A member shall serve a term of five years. No member shall be eligible to serve more than two successive terms.

2.02. *Elections.* The Board shall elect a Chairperson and Vice Chairperson to serve for a term of one year at its first meeting in the month of January in each year and the month following a vacancy in an office. Four votes shall be necessary to elect a member to these offices.

2.03. *Chairperson.* The Chairperson shall preside over all meetings of the Board; interpret Roberts Rules of Order as it applies to the conduct of this Board upon the advice of the Legal Advisor to the Board, when requested; and in general preside over the proper conduct and decorum of the Board while the Board is in session.

2.04. *Vice Chairperson.* The Vice Chairperson shall have all powers and responsibilities of the Chairperson in his or her absence.

2.05. *Executive Secretary.* The Administrator of the Agricultural Land Preservation Program of the Department of Planning and Zoning shall serve as the Executive Secretary. The Executive Secretary shall attend meetings; notify all Board members of meetings; prepare the agenda and necessary advertisements for all meetings; maintain the minutes of all meetings; maintain current information on the website of the Board; prepare staff reports for all easement requests, prepare the written

recommendation of the Board where applicable, and other duties as required by the Act.

- 2.06. *Legal Advisor.* The Legal Advisor shall be the County Solicitor or his or her designee, and may attend the meetings of the Board. The Legal Advisor shall provide advice and assistance to the Board when requested by any Board member.
- 2.07. *Conflict of Interest.* No Board member with a personal or financial interest in the property subject to an easement request shall vote upon the matter during the Board's deliberations. In the case of acquiring easements, a member's participation shall be subject to Howard County Code § 15.518(g).
- 2.08. *Quorum.* Unless otherwise provided by law, a quorum of the Board shall be present to conduct a meeting. Four (4) Board members shall constitute a quorum. The vote of the majority present shall be necessary for a decision, except for easement acquisitions, which requires an affirmative vote of at least five members pursuant to Howard County Code § 15.507(e)(3).

3.00. Meetings

- 3.01. *Purpose of Meetings.* Meetings shall be held to review all proposals except as otherwise required by the Act, and to exercise and execute the duties and responsibilities outlined in Howard County Code § 15.507 and 15.518(h), including but not limited to: proposals for easement acquisitions, proposals for the location of permitted lots, dwellings, tenant houses, and proposed subdivisions on land subject to an agricultural land preservation easement ("Easement Request"). The meetings of the Board are open to the public.
- 3.02. *Time and Location.* Board meetings shall be on the fourth Monday of each month at 7:30 p.m., unless there are no easement requests or discussion items for the month, or as otherwise directed by the Executive Secretary. The meetings shall take place at the Howard County Fairgrounds.
- 3.03. *Minimum Number of Meetings.* There shall be at least one meeting every 3 months as required by Howard County Code § 15.518(e).
- 3.04. *Requests on Existing or Proposed Easements.* Landowners submitting a request on an existing or a proposed easement shall submit their request by the first Monday of the month to be considered at the forthcoming meeting. For existing easements, the landowner shall submit a letter detailing the request and attach a map of the property subject to the request indicating the proposed changes. For proposed easements, the landowner shall submit the completed easement acquisition application.
- 3.05. *Staff Reports.* For easement acquisitions, staff reports shall contain a detailed evaluation of the proposed easement parcel, including the pricing formula score and the staff recommendation regarding the desirability of the property for easement acquisition. For all other requests, staff reports shall contain a summary of the request,

a brief analysis of the request and the provisions of the easement, a copy of the request letter including all attachments, and the staff recommendation on the request. All staff reports shall also include aerial, land preservation, and soil maps of the property subject to the request. Additional documents may be attached to the staff report as the Executive Secretary deems necessary to assist the Board in its analysis.

- 3.06. *On-Site Inspections.* After reviewing an Easement Request, the Executive Secretary may schedule a site visit prior to the public meeting.
- 3.07. *Notice of Meetings.* Notice of meetings shall be submitted to the Howard County Public Information Office and advertised on the Howard County website, on both the County Government Meetings page and the Agricultural Land Preservation Board's page, at least seven (7) days preceding the meeting. The advertisement shall include notice of the date, time, and place of the meeting, and a brief description of the items to be discussed at the meeting.
- 3.08. *Conduct of Meetings.* Meeting procedure shall follow in accordance with the agenda items:
 - (a) The Chairperson calls the meeting of the Board to order.
 - (b) The Executive Secretary introduces each matter on the agenda for consideration by the Board, including the staff reports and any official documents.
 - (c) The Board members may ask questions on the matter under consideration.
 - (d) Individuals at the meeting may testify on the matter under consideration as they are called by the Chairperson. The Chairperson:
 - (1) Shall ask each person to take the oath set forth in Section 3.10 of these Rules.
 - (2) Shall ask each person to state and spell his or her name, and to state his or her residential property address.
 - (3) May exclude any testimony that is unduly repetitious, cumulative in nature, or immaterial.
 - (e) The Board may vote to limit the length of testimony.
 - (f) The Board members may ask the individuals questions on their testimony.
 - (g) Any written testimony received prior to the meeting on the matter under consideration shall be introduced by the Executive Secretary.
 - (h) If the matter requires a vote, the Board shall vote on the matter upon a motion, duly seconded.

- (i) The Board shall adjourn after the consideration of the matters on the agenda upon a motion, duly seconded and carried.
- 3.08. *Opportunity to Be Heard.* Any landowner submitting an Easement Request shall have the opportunity to provide written or oral testimony in support of the request to the Board at the meeting. The Board may ask questions or request additional information from the landowner during this process.
- 3.09. *Opportunity for Public Comment.* Any person shall have the opportunity to testify before the Board at the meeting regarding the merits of an Easement Request.
- 3.10. *Oath.* Any landowner or individual that testifies in support or opposition of an Easement Request shall take the following oath: “*Do you solemnly promise to speak truthfully in your testimony before the Board?*”

4.00. Public Hearings

- 4.01. *Purpose of Public Hearings.* Public hearings shall be held to review any proposals required by the Act.
- 4.02. *Staff Reports.* Staff reports shall contain a summary of the request, a brief analysis of the request and the provisions of the easement, a copy of the request letter including all attachments, and the staff recommendation on the request. Staff reports shall also include aerial, land preservation and soils maps of the property subject to the request. Additional documents may be attached to the staff report as the Executive Secretary deems necessary to assist the Board in its analysis.
- 4.03. *Notice of Public Hearings.* Notice of public hearings shall be (i) submitted to the Howard County Public Information Office and advertised on the Howard County website, on both the County Government Meetings page and the Agricultural Land Preservation Board’s page, and (ii) published in a local newspaper, at least seven (7) days preceding the public hearing. The advertisement shall include notice of the date, time, and place of the public hearing, and the address of the subject farm, landowner’s name and a brief description of each request to be heard.
- 4.05. *Conduct of Public Hearings.* Public hearing procedure shall follow in accordance with the agenda items:
 - (a) The Chairperson calls the public hearing to order.
 - (b) The Executive Secretary introduces each matter on the agenda for consideration by the Board, including any reports and official documents.
 - (c) The Board members may ask questions on the matter under consideration.

- (d) Individuals at the public hearing may testify on the matter under consideration as they are called by the Chairperson. The Chairperson:
 - (1) Shall ask each person to take the oath set forth in Section 4.08 of these Rules.
 - (2) Shall ask each person to state and spell his or her name, and to state his or her residential property address.
 - (3) May exclude any testimony that is unduly repetitious, cumulative in nature, or immaterial.
- (e) The Board may vote to limit the length of testimony.
- (f) The Board members may ask the individuals questions on their testimony.
- (g) Any written testimony received prior to the public hearing on the matter under consideration shall be introduced by the Executive Secretary.
- (h) If the matter requires a vote, the Board shall vote on the matter upon a motion, duly seconded.
- (i) The Board shall adjourn after the consideration of the matters on the agenda upon a motion, duly seconded and carried.

4.06. *Opportunity to Be Heard.* Any landowner requesting an Easement Request shall have the opportunity to provide written or oral testimony in support of the request to the Board at the meeting. The Board may ask questions or request additional information from the landowner during this process.

4.07. *Opportunity for Public Comment.* Any person intending to testify before the Board at the public hearing regarding an Easement Request shall sign their own name to the roster for each property being considered. Only the individuals who have signed the roster shall be permitted to testify.

4.08. *Oath.* All persons testifying shall be required to take the following oath, which shall be given by the Chairperson: “*Do you solemnly promise to speak truthfully in the testimony that you are about to give?*”

5.00. Meetings as Agricultural Preservation Advisory Board

- 5.01. *Purpose of Agricultural Preservation Advisory Board Meetings.* Pursuant to Article 2, Subtitle 5 of the Annotated Code of Maryland, the Agricultural Preservation Advisory Board (the “Advisory Board”) makes recommendations on properties participating in the Maryland Agricultural Preservation Program and other duties pursuant to Howard County Code § 15.518(i) and COMAR 15.15.01.00 et seq.
- 5.02. *Members.* The Advisory Board shall consist of five members of the Board who are also designated as members of the Advisory Board. The other two members of the Board shall not participate in the deliberations of the Advisory Board.
- 5.03. *Quorum.* Unless otherwise provided by law, a quorum of the Advisory Board shall be present to conduct a meeting. Three (3) Advisory Board members shall constitute a quorum. The vote of the majority present shall be necessary for a decision.
- 5.04. *Procedure.* Unless otherwise provided by law, the Advisory Board shall conduct its meetings in accordance with these Rules of Procedure.

6.00. Amendments to the Rules of Procedure

- 6.01. *Amendments.* The Board or any person may petition for amendments to the Rules of Procedure.
- 6.02. *Public Hearing and Notice.* The amendments shall be considered at a public hearing or during any meeting separately as a public hearing. The proposed changes shall be published in two newspapers of general circulation in Howard County at least 30 days prior to the public hearing and shall advertise the date, time, and place of the public hearing, as well as a brief statement sufficient to inform the public of the content of the proposed amendments as required by the “Howard County Administrative Procedure Act,” Title II, Subtitle I of the Howard County Code.
- 6.03. *Opportunity for Public Comment.* Any interested person may provide written or oral comments on the proposed amendments at the public hearing.
- 6.04. *Voting.* The amendments shall be adopted by an affirmative majority vote of the Board.