



HCCA

Howard County Citizens Association

Since 1961... The Voice of the People of Howard County

Date: 30 January 2025

Subject: **Board of Appeals (BoA) Rules of Procedure**

Good morning. My name is Stu Kohn. I am testifying on behalf of the Howard County Citizens Association, HCCA as the President.

We want to commend the Board for working diligently to make major improvements to your Rules of Procedure after 35 years. The result of your review is very encouraging and appreciated to try and have a good understanding of expectations for all concerned parties. Thanks for not only listening to our previously suggested comments but including some of them in the latest version of the Rules of Procedure. It is a lot easier to edit than compose. We have a litany of suggested edits and questions for improvements which we hope will be incorporated into the final version. They are as follows:

Overall Comments

1. Refer to your website in the “About” section. We previously asked the meaning of “The Board may appoint a Hearing Examiner to conduct hearings and issue decisions, which can also be reviewed by the Board of Appeals.”
2. Need to include a cover page like the Planning Board to include the document was revised.
3. Whenever stating the “number of days’ throughout need to clarify in all whether it is “business” or “calendar” days.
4. Need to have a section to address “Virtual” Hearings – refer to the Zoning Board Rules of Procedure on pages 14 -15.
5. Refer to the current Rules of Procedure - Two appendices are included. They are the role of the BoA as described in the Charter and your role as designated in the County Code. Suggest they be included in the Rules of Procedure under Appendix A and B respectively and have the existing Appendix A – Definitions be marked – Appendix C.
6. Refer to Appendix A – Definitions – the list should be alphabetized.

Suggested Comments and Questions to the Document

1. Refer to Page 2, line 3 - after “501” add see Appendix A

2. Refer to Page 2, line 4 - after “code’ add see Appendix B
3. Refer to Page 3, line 5 - add Reference Appendix C for definitions relating to this document.
4. Refer to Page 3, line 13 - add after the word “meetings” for a period of 5 years.
5. Refer to Page 3, lines 14 – 23 & Page 4, lines 1 – 23 - What is the rationale for proposing “alternate Members,” why is it needed and the advantage of such members?
6. Refer to Page 4, line 22 – move 2.1.4 to a separate line
7. Refer to Page 6, line 6 – delete “at least”
8. Refer to Page 8, line 21 – move 5.1 to a separate line
9. Refer to Page 9, line 1 – after the word “issues” add only whenever a member of the Board inquires.
10. Refer to Page 10, line 2 – delete “contemplate when determining” change to determine
11. Refer to Page 10, line 8 – why is the Hearing Examiner mentioned?
12. Refer to Page 10, line 9 – add a period after the word “used”
13. Refer to Page 10, lines 12 - 13 – Where is the “Board’s Rules of Procedure Appendix” found in this document?
14. Refer to Page 11, line 4 – delete the words “only during” and replace with “at least two weeks prior to any” After the word “hearing” and the words “posted to the Board of Appeals website.”
15. Refer to Page 12, line 19 – why 37 days?
16. Refer to Page 13, line 11 – what two newspapers would you advertise?
17. Refer to Page 13, line 21 – after the word “the add the word “signage on”
18. Refer to Page 15, lines 6 - 7 – where is the “Board of Appeals Eules Appendix found in this document”?

19. Refer to Page 15, line 17 - where is the “Board of Appeals Rules Appendix found in this document”?
20. Refer to Page 16, lines 11, 13, & 16 – change the word “may” to “shall”
21. Refer to Page 17, line 7 – delete “Hearing Examiner”
22. Refer to Page 17, line 13 – delete “24 hours” and change to “two weeks”
23. Refer to Page 18, lines 15 - 17 – what is the penalty if the “Ex Parte Prohibition” is not followed?
24. Refer to Page 19, lines 1 - 2 – Don’t understand the meaning of “Quarterly meetings”
25. Refer to Page 19, line 12 – place a “,” comma after the word “Respondent” – delete the word “and” after the word “ witness(es)” add “or any opposition”
26. Refer to Page 19, lines 15 - 16 – delete these two lines as this edit should apply to all parties
27. Refer to Page 19, line 21 – add a period (,) after the word “recessed and delete “unless a continuation date was previously noticed”
28. Refer to Page 19, lines 21 - 22 – Don’t understand “It is unnecessary to repost a property following the completion of an initial session”
29. Refer to Page 22, line 14 - The two main categories mentioned are not described.
30. Refer to Page 22, line 15 - The two subcategories are not defined.
31. Refer to Page 24, line 5 – Define “administrative official”
32. Refer to Page 24, line 6 – what are the “two subcategories?”
33. Refer to Page 25, line 8 – after the word “person” add the words “or virtually”
34. Refer to Page 28, lines 1 – 3 – The cost of the transcript should be defined as “x” per page.
35. Refer to Page 29, lines 19 – 20 – What does this mean?
36. Refer to Page 30, line 9 – Who is the “Presiding official?” It needs to be defined in the Appendix under Definitions.

37. Refer to Page 30, line 12 – 13 – by remaining seated how does the party provide 10 hard copies to the Board Administrator?
38. Refer to Page 30, line 14 – delete “are encouraged” and add “shall”
39. Refer to Page 32, line 9 – change “may” to “shall” Delete “any time after 10 business days and replace with “immediately or rule at the next hearing”
40. Refer to Page 32, line 15 – add “The Board shall not hear any appeals of motions derived from the Hearing Examiner until the final decision of any case heard by the BoA is finalized with a Decision and Order by the Hearing Examiner.”
41. Refer to Page 32, line 18 – delete the word “or” and change to “and”
42. Refer to Page 33, line 9 - 10 – change “Presiding Official” to “Chairperson”
43. Refer to Page 33, line 14 – after the word “independently” change to “with the aforementioned rights as the spokesperson.”
44. Refer to Page 34 - The Subpoena Section – like you took our suggestion about not allowing the filing of subpoenas - 21 days before the Hearing and 14 days to issue as stated in the previous Rules of Procedure.
45. Refer to Page 34, line 8 – where is the Appendix found in these Rules?
46. Refer to Page 35, line 2 - 3 – where is the Appendix found in these Rules?
47. Refer to Page 35, line 8 – change “may” to “shall”
48. Refer to Page 35, line 12 – Presiding official needs to be defines
49. Refer to Page 35, line 16 – change “may” to “shall”
50. Refer to Page 36, line 14 - 15 - Presiding Official” needs to be defined.
51. Refer to Page 36, line 21 – after the word “has” add “been sworn in via the Oath as described in Rule 15,” of this document
52. Refer to Page 37, line 8 – 9 – Should be in reverse order
53. Refer to Page 37, line 12 – after the word “Solicitor” add “only when asked by a Board member for clarity are requesting legal advice.

54. Refer to Page 38, line 6 – after the word “Appeals” add “closes the case and “
55. Refer to Page 40, line 15 – change the word “may” to “shall”
56. Refer to Page 40, line 17 – change the word “may” to “shall”
57. Refer to Page 43, lines 1 - 10 – why should an “Extension” be permitted?
58. Refer to Page 44, line 6 – after the words “file a” add “written”
59. Refer to Page 46, line 11 – move “1.4 Authorized Instructor” after line 6 to alphabetize
60. Refer to Page 46, lines 20 - 21 – where is the appendix found in this document?
61. Refer to Page 49, lines 10 - 21 – sub-section 1.1 thru 1.4 need to be alphabetized.
62. Refer to Page 50, lines 1 – 8 – why would automated filing be unavailable?
63. Refer to Page 51, line 7 – why “no further description?”
64. Refer to Page 51, line 14 – change “as soon as practicable” to a specific time period.
65. Refer to Page 53 – Appendix A, Definitions – the term in this Section needs to be alphabetized.

We only hope these suggested revisions will be adopted to have a document whereby all concerned parties can appreciate.

Stu Kohn
HCCA President