

PRINCE GEORGE'S COUNTY PLANNING BOARD

# RULES OF PROCEDURE



 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Prince George's County Planning Board

MAY 8, 2025

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## SECTION 1. Authority, Purpose, and Scope

### 1.1 Authority

These Rules of Procedure are approved by the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission under the authority of the Annotated Code of Maryland, Land Use Article. These Rules supersede and replace any other rules governing the conduct of Board proceedings previously approved by the Board including the Prince George's County Planning Board Rules of Procedure (5/15/08), Administrative Practice for the Prince George's County Planning Department (5/15/08), and the Process Guidelines for Development Review Applications (5/29/09).

### 1.2 Purpose

The purpose of these Rules is to establish a reasonable and consistent process for the Board to consider, hear, and act upon regulatory and other matters pursuant to Division II of the Land Use Article of the Annotated Code of Maryland and the Prince George's County Code. The Rules are intended to promote the orderly and efficient conduct of public proceedings convened to decide or discuss matters before the Board in compliance with all applicable federal, state, and Prince George's County laws.

### 1.3 Scope

These Rules apply to the Board's conduct of all meetings including, but not limited to, public hearings, evidentiary hearings, and appeals. In any conflict within these Rules between general and specific provisions, the specific provisions govern.

## SECTION 2. Definitions

**“Chair”** means the chair of the Board or another member of the Board when presiding in that capacity.

**“Commission”** means the Maryland-National Capital Park and Planning Commission.

**“Day”** means a calendar day.

**“Person”** means any individual or natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business or other trust, civic association, municipality, government organization or entity, or any other organization, whether or not legally incorporated.

**“Person of Record”** means the owner, applicant, and correspondent of a pending application and a person that, in writing or in testimony before the Board, requests to be made a person of record prior to the closing of the hearing record on a matter.

**“Planning Board”** or **“Board”** means the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission.

**“Planning Director”** or **“Director”** means the Prince George's County Planning Director or designee.

**“Regional District Act”** means the Maryland-Washington Regional District established under Division II of the Land Use Article of the Annotated Code of Maryland

**“Rules”** means these Rules of Procedure.

**“Staff”** means any employee of the Commission assigned to process, review, report, or make recommendations to the Board or Planning Director regarding any matter.

**“Surrebuttal”** means a response to a rebuttal limited to addressing evidence or arguments presented for the first time on rebuttal.



## **SECTION 3.** Organization

### **3.1 Membership; Quorum**

The Board consists of five members appointed as provided by the Regional District Act. Three members of the Board constitute a quorum by any combination of in-person or virtual participation. A quorum is necessary to conduct a meeting or act on any matter.

### **3.2 Chair and Vice Chair**

- A. The Chair is appointed as provided by the Regional District Act.
- B. The Board elects a Vice Chair who serves at the pleasure of the Board.
- C. The Chair presides over all meetings of the Board and is responsible for maintaining decorum and order. In the event of the absence or disability of the Chair, the Vice Chair presides. In the event of the absence or disability of the Chair and Vice Chair, the Board selects one of its three remaining members to preside.

### **3.3 Conflicts of Interest**

To promote confidence and trust in the conduct of public business, members of the Board must, at all times and in all respects, observe an affirmative obligation to disclose any actual, apparent, or potential conflict of interest pertaining to any matter or action that is subject to the Board's jurisdiction. Members of the Board must also comply with the applicable provisions of (a) the Maryland Public Ethics Law, (b) § 15-120 of the Regional District Act, (c) these Rules, and (d) any ethics rules adopted by the Commission.

## SECTION 4. Meeting Procedures

### 4.1 Meetings

The Board normally meets every Thursday, except during the month of August and the period between and inclusive of December 20 and January 3, or when a Board meeting is otherwise cancelled by the Chair. Additional meetings may be scheduled by the Chair following reasonable notice to the Board or can be scheduled by the Chair upon the request of a majority of the Board. The Maryland Open Meetings Act (OMA) applies to all meetings of the Board. Meetings may be in-person, virtual, or a combination of both.

### 4.2 Agendas

The Chair, in consultation with the Planning Director, prepares an agenda for each meeting containing the matters to be discussed and indicating whether the Board expects to close any portion of the meeting. The agenda is made available to the public and matters may be added to the agenda thereafter at the discretion of the Chair, or at the request of a majority of the Board, in accordance with the requirements of the OMA. The Chair determines the order in which matters are considered.

### 4.3 Matters Requiring Specialized Procedures

Certain matters considered by the Board require additional procedures. The additional procedures apply to matters (i) requiring a public hearing (Section 5), (ii) requiring an evidentiary hearing (Section 6), or (iii) being heard on appeal (Section 7).



## 4.4 Voting

A majority vote of the members of the Board present is required to take any action except as otherwise required by law and these Rules. All voting is by roll call. Members of the Board abstaining, passing, voting present, or remaining silent on a motion are counted for purposes of a quorum but their votes, or silence, are not deemed a vote for purposes of determining if the motion passed.

Examples:

- For a matter requiring a majority vote, if the vote on the motion is 3-2 in favor, the motion passes, if the vote is 2-2 with one abstention, the motion fails.
- For a matter requiring a majority vote where one member is absent, recused, or where a seat on the Board is vacant, if the vote on the motion is 3-1 in favor, the motion passes, if the vote is 2-2, the motion fails.
- For a matter requiring a majority vote where two members are absent, recused, or their seats are vacant, if the vote on the motion is 2-1 in favor, the motion passes.

## 4.5 Discretion of the Chair

The Chair makes all rulings regarding the interpretation of these Rules in compliance with all applicable laws. The Chair may also establish guidelines for the efficient conduct of meetings including, but not limited to, guidelines for speaker registration and the submission of written materials.

## 4.6 Consent Agenda

Where permissible by law, matters may be placed on the agenda as a consent item and approved by a single motion. If discussion is desired by a member of the Board, or if there is opposition to the matter, the Chair will remove the matter from the Consent Agenda and the Board will consider that matter separately.

## 4.7 Advice of Counsel

The Chair may request advice from the Board's legal counsel at any time.

## SECTION 5. Procedures for Public Hearings

### 5.1 Agenda Description

From time to time, the Board conducts public hearings on matters that allow for public comment but do not require the consideration and resolution of adjudicative facts. When the Board considers such matters, the words “PUBLIC HEARING” will be written above the agenda item.

### 5.2 Order of Hearing

- A. Chair briefly describes the agenda item and opens the public hearing
- B. Staff presentation
- C. Public comment
- D. Chair closes the hearing

### 5.3 Timing for Speakers

Public comment is generally limited to three minutes per person, an attorney representing more than one person is generally limited to five minutes, and an authorized representative of a corporation, trust, nonprofit organization, or association is generally limited to five minutes. The Chair may adjust the time limits as necessary to ensure full participation.

### 5.4 Joint Public Hearings

Joint public hearings with the District Council proceed in accordance with the procedures in this Section and the District Council's procedures. Where there is a conflict, the District Council's procedures apply.

### 5.5 Continued and Recessed Public Hearings

- A. The Board may continue any public hearing to a subsequent date. If the hearing is continued, the date, time, and location of the continued hearing will be scheduled by the Chair and included in the motion approving the continuance. If no new hearing date is set at the time, the hearing must be re-noticed in the same manner as the original hearing.
- B. After a public hearing has begun, at the discretion of the Chair, the hearing may be recessed and taken up later at the same meeting.

## SECTION 6. Procedures for Evidentiary Hearings

### 6.1 Agenda Item

From time to time, the Board conducts hearings on matters requiring the consideration and resolution of adjudicative facts. Such evidentiary hearings require that the Board follow certain procedural processes. When the Board considers such matters, the words “EVIDENTIARY HEARING” will be written above the agenda item.

### 6.2 Order of Hearing

The Order of Presentation is as follows:

- A. Chair briefly describes the agenda item and opens the evidentiary hearing
- B. Chair considers any preliminary matters or motions
- C. Staff presentation
- D. Presentations from other agencies
- E. Applicant's case
- F. Opponent's case
- G. Testimony from persons not covered by 6.2.E or F
- H. Rebuttal by Applicant
- I. Surrebuttal (if applicable) and Summation by Opponent
- J. Summation by Applicant
- K. Chair closes the evidentiary hearing

The order or presentation may be modified by the Chair as necessary to ensure a fair evidentiary hearing.

## **6.3 Procedural Questions**

The Chair rules upon all procedural matters, questions of law, evidence, motions, or objections, and may limit debate.

## **6.4 Requirements for Providing Testimony or Written Evidence**

- A. A person may testify in any case orally, in writing, or both upon compliance with the directions for submitting written testimony and/or speaker registration as provided on the Board's website.
- B. Prior to providing oral testimony, a person must swear or affirm that the testimony being offered is the whole truth and nothing but the truth.
- C. Persons submitting written evidence must swear or affirm that the materials being submitted are the whole truth and nothing but the truth.
- D. Prior to testifying, a person seeking to testify must:
  - 1. Provide their name and address;
  - 2. Indicate if they support or oppose the matter;
  - 3. If the person purports to represent a corporation, trust, nonprofit organization, or association, affirm that they are a duly elected officer of such entity with authority to (i) appear at the proceeding and (ii) represent the partnership, corporation, trust, organization, or association; and
  - 4. If the person is an attorney representing one or more persons, state for the record the names and addresses of the persons they are representing.
- E. Each partnership, corporation, trust, nonprofit organization, or association is only permitted to be represented by one duly authorized person.
- F. A person choosing to be represented by an attorney is not permitted to testify but may be called as a witness.
- G. Testimony must be germane to the subject matter of the hearing.

## **6.5 Time Limits**

The Chair ensures there is a reasonable balance of time allotted to those in favor and those opposed to an application. The time for presenting cases is generally limited to a maximum of one hour for each side exclusive of cross examination, rebuttal, and summation. The Chair may impose time limits on individual speakers as necessary to ensure a fair hearing and opportunity for all who wish to testify to be heard.

## **6.6 Cross-Examination**

Reasonable cross-examination of any person appearing before the Board is permitted including, but not limited to, attorneys appearing on behalf of applicants or opponents and staff. Cross-examination must be in the form of a question and cannot include hostile, argumentative, or conclusory statements. Questions intended to badger the person being examined or to create a disruptive atmosphere not conducive to eliciting facts are prohibited. The Chair may rule a question out of order when it is irrelevant, immaterial, unduly repetitious, or otherwise outside the scope of cross-examination. Cross-examination is only permitted at the conclusion of the presentation or testimony of the person being examined. When more than one person appears in opposition to a matter, the opposition will be requested to select one person to conduct cross examination on behalf of the opposition.

## **6.7 Expert Witnesses**

Prior to providing testimony, an individual offered as an expert witness must provide written evidence to the Board of the individual's expertise in the subject on which they are testifying such as educational attainment, licensing, accreditation, examples of relevant or comparable work, or employment. Such evidence shall be submitted in compliance with the directions for submitting written testimony as provided on the Board's website. The Board may maintain a list of experts whose expertise in subject area(s) has been previously qualified by the Board and may take administrative notice of such expertise without requiring the submission of additional written evidence.

## **6.8 Rules of Evidence**

Although not restricted by the formal rules of evidence, certain rules apply to the Board's evidentiary hearings:

- A. Hearsay evidence, if relevant, may be accepted into the record.
- B. An objection to testimony must be made at the time that testimony is presented or will be considered waived.
- C. An objection to testimony will be sustained only for the most compelling reasons in order to provide wide latitude to a witness.
- D. The Board may take administrative notice of matters in common knowledge or the Board's expertise.
- E. The Chair has the authority to exclude irrelevant, immaterial, or unduly repetitious testimony or written materials.
- F. The Charter for Prince George's County, the Prince George's County Code, all approved General, Sector, and Master Plans, and regulations available on the

Commission's web site such as, but not limited to, the Transportation Review Guidelines and Environmental Technical Manual, are a part of the record of every evidentiary hearing and it is not necessary for any person to move for their introduction into evidence.

## **6.9 Continued and Recessed Hearings**

- A. The Board may continue any evidentiary hearing to a subsequent date. If the evidentiary hearing is continued, the Chair schedules the date, time, and location of the continued hearing includes this information in the motion approving the continuance. If no new evidentiary hearing date is set at the time, the hearing must be re-noticed in the same manner as the original hearing.
- B. After an evidentiary hearing has begun, at the discretion of the Chair, the hearing may be recessed and taken up later at the same meeting.

## **6.10 Following the Close of the Evidentiary Hearing**

- A. Upon the close of the evidentiary hearing, no new evidence may thereafter be entered into the record except upon motion of the Board on the grounds that such evidence is necessary to ensure a fair hearing and complete record.
- B. Following the close of the hearing, the Board may engage in additional deliberation and continue to ask clarifying questions but not for the purpose of introducing additional testimony or evidence except as provided in Section 6.12.A.
- C. The Board may take a case under advisement and continue deliberations at a subsequent meeting.

## **6.11 Ex Parte Communications**

Members of the Board should not communicate about a case subject to an evidentiary hearing with an owner, an applicant, anyone appearing on behalf of an owner or applicant, a person who is (or who may become) a person of record, anyone appearing on behalf of a person of record, and any person intending to (or submitting) evidence or testimony in a case. Any member of the Board engaging in, or receiving, such communication must enter into the record (i) all such written materials and (ii) a written summary of any oral communication. The member must also disclose at the hearing the existence of such ex parte communications.



## **6.12 Final Decisions**

Following the close of the evidentiary hearing and any deliberation, the Board by motion will approve, approve with conditions, or disapprove the application and direct that a resolution be brought back memorializing its motion for the Board's consideration and approval. The resolution must include, at a minimum, the Board's findings of fact, its conclusions of law, and any conditions. Any member of the Board not present for all or a portion of the evidentiary hearing on the application may still vote on the matter if the member states on the record that the member has reviewed the record and can make a fully informed vote. The Planning Director will mail a copy of the resolution to all Persons of Record. Except for purposes of reconsideration and appeals, where the mailing date of the resolution is the date of the final decision, the date of the final decision of the Board in an evidentiary hearing is the date of adoption of the resolution.

## **6.13 Correcting Errors**

After the Board adopts a resolution, the Planning Director must promptly report any error discovered in the resolution to the Board and present a corrected resolution to the Board for adoption. Approval of a corrected resolution does not operate to change the date of the final decision or affect any validity periods otherwise provided by law.

## **6.14 Administrative Procedures Act**

The Board's evidentiary hearings are not subject to the provisions of the Maryland Administrative Procedures Act, Maryland Annotated Code, State Government Article, § 10-201 et seq.

## SECTION 7. Procedures for Appeals

### 7.1 Agenda Item

From time to time, the Board considers appeals from final decisions of the Planning Director. When the Board considers such matters, the words “APPEAL” will be written above the agenda item.

### 7.2 Preliminary Requirements

Appeals must be in writing, by e-mail or regular mail, and addressed to the Board with a copy to the Planning Director. The appeal must (1) identify the name(s) of the persons filing the appeal (“Appellant”), (2) cite the applicable law under which the appeal is being filed, (3) specify any error(s) that are claimed to have been committed by the Planning Director and the portions of the Director’s decision being appealed, and (4) identify the law and facts that support the Appellant’s argument.

### 7.3 Record

The Planning Director must submit to the Board a copy of the Director’s final decision, all documents relied upon by the Director in making the decision, and a memorandum identifying the law and facts that support the Director’s decision.

### 7.4 Date for Consideration of Appeal; Notice

The Chair will set a date for consideration of the appeal. If possible, the date will coincide with the date on which any related application is being considered. The Planning Director will provide the Appellant notice of the date on which the Board will consider the appeal.

## **7.5 Order of Presentation**

The Order of Presentation is as follows:

- A. The Chair introduces the item
- B. Appellant's presentation
- C. Planning Director's presentation
- D. Appellant's response

The Chair may impose reasonable time limits on the presentations. The presentations may not include any evidence that was not before the Planning Director at the time the Director reached the decision.

## **7.6 Burden of Proof**

The burden of proof is on the Appellant to show by clear and convincing evidence that the Planning Director's decision was erroneous, arbitrary and capricious, or contrary to law.

## **7.7 Board Action**

Following the presentations, the Board deliberates on the matter and approves a motion or takes the matter under advisement for further deliberation and a motion at a subsequent meeting. The Board may dismiss the appeal; affirm, reverse, or modify the Director's decision; or remand the matter to the Director for further proceedings. The motion will be memorialized in a resolution adopted by the Board. The Planning Director will mail a copy of the resolution to the Appellant. The date of the final decision of the Board in an appeal is the date of adoption of the resolution.

## **SECTION 8. Reconsideration**

### **8.1 By a Person of Record**

Persons of Record may only request reconsideration of a final decision of the Board on matters subject to an evidentiary hearing. The request must be received by the Board within 14 calendar days following the date of the mailing of the Board's resolution. A person of record requesting reconsideration must, upon filing the request, send a copy of the request to all other persons of record including, but not limited to, the applicant and all municipalities within one mile of the land subject to the decision.

### **8.2 By a Member of the Board**

Any member of the Board who voted with the majority on any matter may request reconsideration of that matter within 30 calendar days following the date of the final decision (not including dates when the Board is in recess). The request must be made at a regular meeting of the Board. If the request is for a decision subject to an evidentiary hearing, a copy of the request must be mailed by the Planning Director to all persons of record including, but not limited to, the applicant and all municipalities within one mile of the land subject to the decision. If the request is for a decision of the Board on an appeal, a copy of the request must be mailed by the Planning Director to the appellant.

### **8.3 Timing**

A request for reconsideration must be considered by the Board within 30 days following receipt of the request from the person of record, or the date on which a request was made by a member of the Board. If the Board does not grant the request for reconsideration within such 30-day period, the request will be considered denied. A request for reconsideration does not operate to extend any appeal times provided by applicable law.

### **8.4 Conditions for Granting Reconsideration**

Reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds there was an error in reaching its final decision caused by fraud, surprise, mistake, or inadvertence.

## **8.5 Upon Granting Reconsideration, Consideration of the Merits**

If a request to reconsider a final decision is granted, the substantive matter will be scheduled for a subsequent meeting of the Board. If the decision being reconsidered is for a matter subject to an evidentiary hearing, the Planning Director must mail notice of the date and subject of the hearing at least 15 days prior to the scheduled meeting to all persons of record and all municipalities within one mile of the land subject to the decision. If the decision being reconsidered is for a matter on appeal, the Planning Director must mail notice of the date and subject of the hearing at least 15 days prior to the scheduled meeting to the appellant.

## **8.6 Decision on Reconsideration**

The Board will consider all evidence presented on the merits of the request and approve, approve with conditions, or disapprove the request by motion. The Board's motion will be memorialized as an amendment to the original resolution and the amended resolution will be adopted by the Board.

## SECTION 9. Rules and Amendments

### 9.1 Suspension of Rules

The suspension of any Rule requires the affirmative vote of four members of the Board. If, however, there are one or more vacancies on the Board at the time, the affirmative vote of three-fourths of the remaining members is required to suspend a Rule. For example, if the Board consists of four members, three affirmative votes are required to suspend any Rule, if the Board consists of three members, three affirmative votes are required to suspend any Rule. Absences and recusals do not constitute vacancies.

### 9.2 Amendment of Rules

The Board may amend the text of these Rules. A request to amend the text of these Rules cannot be considered, or acted upon, unless it is submitted in writing by a member of the Board. The request must be submitted to the other members of the Board at least two weeks prior to the date of the meeting at which the request will be considered together with the written text of any proposed amendment. Approval of an amendment requires the same number of affirmative votes as required for Suspension of the Rules in Section 9.1 of these Rules.

### 9.3 Robert's Rules of Order

Where these Rules are silent, the rules of parliamentary practice and procedure contained in the latest published edition of Robert's Rules of Order governs the Board. In the event of a conflict between these Rules and Robert's Rules, these Rules control.





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