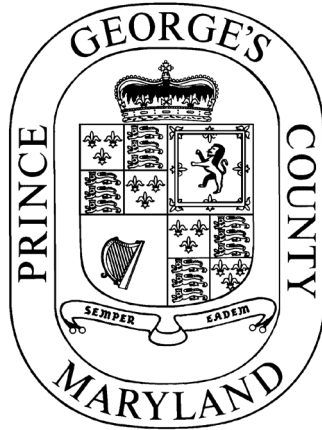


THE DISTRICT COUNCIL RULES OF PROCEDURE



(As Adopted by CR-5-1993 and Amended by CR-2-1994, CR-2-1995, CR-74-1995,
CR-92-2016 and CR-57-2020)

July 2020

**RULES OF PROCEDURE
FOR THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL
(Adopted by CR-5-1993 and Amended by CR-2-1994, CR-2-1995, CR-74-1995,
CR-92-2016 and CR-57-2020)**

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RULES OF PROCEDURE FOR THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL

1. SCOPE OF RULES.

These Rules of Procedure apply to proceedings of the County Council sitting as the District Council. These Rules are supplemental to the Rules of Procedure adopted by the County Council. Any Rule of the County Council which is not specifically in conflict with these Rules shall apply.

2. DISTRICT COUNCIL SESSIONS.

2.1. Meetings.

The District Council normally meets on the second and fourth Monday of each month, except during the months of August and December when the Council is in recess, or the Council is unable to meet due to closure, weather emergency, or other declared state of emergency. Where authorized, the Council, Zoning Hearing Examiner and Board of Appeals may meet to consider zoning matters virtually or remotely in accordance with these Rules of Procedure. Additional meetings may be scheduled by the Chair upon notice to each Member, or shall be scheduled by the Chair upon the petition of a majority of the full Council. District Council hearings shall be scheduled during normal business hours unless there are twenty-five (25) or more parties of record and a Council Member has requested, in writing, that the hearing be held outside of normal business hours.

2.2. Location of Meetings.

All sessions and meetings will be held at the County Administration Building, or such other place as the Council shall designate.

2.3. Open Meeting Policy.

Unless otherwise provided in law, all meetings of the District Council, public hearings, work sessions, and other meetings shall be open to the public.

2.4. Closed Meetings.

(a) A meeting may be adjourned to a closed session for consultation with legal counsel on matters authorized by law.

(b) A meeting may be closed upon the vote of a majority present. The motion to close a meeting shall be in writing and shall state the reason for closing the meeting, cite the statutory authority for closing the meeting and specify the topic(s) to be discussed. If any person objects to the closing of a meeting, a copy of the written statement shall be forwarded to the State Open Meetings Law Compliance Board.

(c) No action shall be taken and no matter shall be discussed unless it directly relates to the purpose which required the meeting to be closed.

(d) After a closed meeting has been held, the minutes of the next open meeting or session shall include:

- (1) A statement of the time, place, and purpose of the closed meeting.
- (2) The record of the vote of each Member by which the meeting was closed.
- (3) The citation of statutory authority for closing the meeting.
- (4) Topic(s) of discussion, persons present, and each action taken during the session.

The Council Administrator shall provide the foregoing information to the Clerk for each closed meeting of the Council.

(e) The minutes of the closed meeting shall be sealed and maintained in accordance with Section 4.8 (c), of the County Council Rules of Procedure.

2.5. Notice of Meetings.

(a) Reasonable advance notice of open and closed meetings shall be given. Notice of meetings held in closed session shall be reported in the minutes of the next open meeting.

(b) Whenever reasonable under all circumstances, the notice shall be in writing, shall include the date, time, and place of the meeting, shall include a statement that part or all of the meeting may be conducted in closed session (if applicable), and shall be given at least five (5) working days prior to each meeting or rescheduling thereof.

(c) The required notice may be given by any of the following means:

(1) Electronic posting and other County public media resources at a convenient public location at or near the place of the meeting. The Clerk of the Council may notify the public:

(A) That such a method will be regularly employed to give notice to open meetings; and

(B) The location of the public notice and other County public media resources.

(2) Delivery to authorized representatives of the news media who regularly report on the sessions, meetings, or activities of the County government.

(3) Any other method reasonably designed to give public notice.

2.6. Public Participation.

(a) Reasonable seating facilities shall be provided for the general public at all sessions and public meetings, and the general public is encouraged to attend.

(b) Public hearings are convened for, but are not limited to, the purpose of obtaining public participation and comment. The District Council convenes in a quasi-judicial capacity to conduct oral argument and when necessary, evidentiary hearings. An evidentiary hearing is a hearing in which evidence is presented to the District Council and the record is created. An oral argument is a presentation before the District Council to discuss evidence in a record which was created in a previous administrative hearing before the Zoning Hearing Examiner or the Planning Board. In accordance with law, a person of record may participate in an evidentiary hearing, public hearing, or oral argument

(c) At all times, order and decorum shall be maintained in keeping with the dignity of the governmental process, and no person or groups shall interfere with this process. No one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer. Posters or placards must remain outside the Council Hearing Room. Smoking, including but not limited to e-cigarettes, e-hookahs or vaporizing pens, is strictly prohibited in the Council Hearing Room.

The number of persons in the Hearing Room shall not exceed the limit established by the County Fire Department. When practicable, and in accordance with law, attendees for public proceedings exceeding the legal capacity of the Hearing Room should be accommodated in an alternate space or area designated by the Council.

2.7. Minutes of Meetings.

Minutes of each District Council session shall include, but are not limited to, items considered, actions taken thereon, and each recorded vote.

3. AGENDA.

The Chair and Vice Chair, in conjunction with the Administrator, shall prepare each agenda of the District Council and shall have authority to remove items submitted to accommodate the time scheduled for the meeting. When such items are removed because of lack of time, they shall be placed on the next appropriate agenda. The Chair's decision shall stand unless overruled by a majority of the full Council at any meeting at which the question on the item is considered.

4. VOTING.

(a) All questions shall be determined by a majority vote of the Members present, except as required for:

- (1) The final action on an ordinance or resolution;
- (2) The suspension of rules;
- (3) Any other circumstance specially provided for in these Rules, the Charter for Prince George's County, Maryland, the County Code, or the Constitution and Laws of the State of Maryland; or

(b) Members must be physically present at the meeting at the time the vote is taken in order to vote.

(c) All voting except on procedural motions shall be by roll call. In any roll call, the Clerk shall call the roll of Members alphabetically, after the Presiding Officer shall have been called.

(d) A Member who has an apparent conflict, but not an actual conflict of interest as defined by the Code of Ethics, may act on a matter if, prior to voting, the Member files with the Clerk of the Council and the Board of Ethics a sworn statement which describes the circumstances of the apparent conflict and the legislation to which it relates. The statement shall assert that the Member is able to vote and otherwise participate in legislative action relating thereto, fairly, objectively, and in the public interest. The Clerk shall maintain each statement for the term of office of the Member. All statements filed with the Clerk shall be available for public review.

(e) A Member who has an actual conflict of interest as defined by the Code of Ethics shall state that a conflict of interest exists and that the Member will neither participate in the consideration of the issue nor vote on the issue.

5. PUBLIC HEARINGS.

5.1. General.

The rules in this section apply to both public informational legislative type hearings and quasi-judicial type public hearings which are subject to appeal on the record. Notice of public hearings shall be given in accordance with Section 5.2.

5.2. Public Hearing.

The Chair shall schedule public hearings as required.

(a) Notice of the time and place of the public hearing shall be published in accordance with law prior to the public hearing. District Council hearings shall be scheduled during normal business hours, unless:

(1) A Member has requested, in writing, that the hearing be held outside of normal business hours; and

(2) The request has been approved by a majority vote of the full Council.

(b) Copies of proposed ordinances, resolutions, or other subject matter shall be made available in reasonable numbers for distribution to the press and the public at the time of the hearing and at the Office of the Clerk of the County Council prior to the hearing. Unless required by law, a verbatim transcript shall not be taken except upon order of the Chair. A majority of the District Council shall be required to conduct a public hearing. The Clerk shall record the attendance of each Member at a public hearing.

5.3. Preliminary Action.

Upon convening the hearing, the Chair shall give a brief explanation of the purpose of the hearing and shall cause to be presented and made a part of the record any information or data which is required before public discussion and comments begin.

5.4. Information from Public.

Each person who wishes to may be required to give oath or affirmation, subject to the penalty of perjury prior to testifying, and provide the following information:

(a) Name;

(b) Address;

(c) Person or organization represented, or that the speaker is speaking individually;

(d) Whether the person is being compensated for the person's participation at the public hearing.

5.5. Time Limits.

In advance of, or at a public hearing (including an evidentiary hearing), the presiding officer may announce registration requirements for speakers or witnesses and reasonable time limitations in order to conduct a fair hearing.

5.6. Questions.

Any Member, upon recognition by the Chair, may briefly question any speaker. Members and speakers shall refrain from engaging in debate. After having been recognized one time, a Member shall not speak again until all other Members have been afforded the opportunity to comment or question the speaker; provided, however, that a Member may yield to another Member.

5.7. Recess or Continuation to Another Time and Place.

Before or after the commencement of any public hearing, the presiding officer may recess or continue the hearing to another time and place provided there has been original notice for the hearing. The presiding officer shall announce on the record, the time and place of the next hearing and no further notice or publication shall be necessary.

5.8. Master Plan or Sectional Map Amendment Record.

At the conclusion of a public hearing on a Master Plan or Sectional Map Amendment, the Chair or Vice Chair shall announce the date and time the record shall close. District Council work sessions on comprehensive planning and comprehensive zoning proposals, such as Master Plans, Sector Plans, and/or Sectional Map Amendments, shall be scheduled after the record of the public hearing testimony is closed. Work sessions are designed to allow Members an opportunity to evaluate evidence contained in the record and to review staff recommendations related to record material for purposes of preparing final documents. Public participation during District Council work sessions shall be limited to responding to questions posed by a Member to an interested person.

6. ORAL ARGUMENT AND EVIDENTIARY HEARINGS.

6.1. Participation by Persons of Record.

Participation in oral argument shall be limited to persons of record who are legally qualified to participate in the hearing. Prior to testifying in an evidentiary hearing, all witnesses, including technical staff, shall give testimony under oath or affirmation subject to the penalty of perjury.

6.2. Representation.

Subject to the requirements of Rule 6.1, an individual may represent himself or herself or be represented by an attorney authorized to practice law in Maryland. All other entities shall be represented by an attorney authorized to practice law in Maryland, except that a bona fide civic association or homeowner's association which is a party of record may be represented by any duly elected officer of the association regardless of whether that individual is an attorney.

6.3. Cross Examination of Witnesses.

In an evidentiary hearing before the District Council, all witnesses are subject to cross examination by any party of record. The Chair may require parties of record, in support of or in opposition to a particular matter, to designate a single representative to conduct cross examination of witnesses. If a group or entity is represented by an attorney, only the attorney shall be permitted to cross examine witnesses on behalf of the group or entity.

6.4. Record.

The record of an evidentiary hearing shall remain open until the end of the last session of the evidentiary hearing, unless the Chair determines otherwise.

6.5. Hearings on Certain Types of Zoning Applications.

Hearings on certain types of zoning applications shall be conducted by a Hearing Officer and heard by the District Council, and shall be subject to the following rules:

- (a) The order of presenting the application shall be as follows:
 - (1) Applicant's case;
 - (2) Parties represented by Counsel;
 - (3) All other parties;
 - (4) Public agency comments and examination;
 - (5) Rebuttal by Applicant;
 - (6) Rebuttal by parties represented by Counsel;
 - (7) Rebuttal by all other parties.
- (b) Examination of witnesses shall be conducted in an orderly manner as follows:
 - (1) After a witness's direct examination, the witness may be cross examined:
 - (A) By Applicant's Counsel;
 - (B) By Counsel representing a party;
 - (C) By People's Zoning Counsel;
 - (D) By other parties;
 - (E) By Council Members;
 - (F) By Hearing Officer.

(c) All persons who appear before the District Council shall verify under oath, under the penalties of perjury, that their testimony and information offered at the hearing is true.

(d) All evidence offered and received by the District Council shall be made a part of the record. No other evidence shall be considered in the determination of the application.

(e) A person must submit a request in writing to become a Person of Record. This request may be submitted to the Clerk of the Council prior to the hearing or the request may be submitted during the evidentiary hearing. A request must be received prior to the close of the evidentiary hearing record.

(f) The District Council may take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances and regulations. It shall give effect to the rules of privileges recognized by law. The District Council may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence.

6.6. Hearings Conducted by Virtual/Remote Participation.

The District Council, the Zoning Hearing Examiner, or Board of Appeals are hereby authorized to conduct virtual/remote hearings, subject to the procedures set forth herein; provided, however, all hearings must satisfy applicable provisions of Subtitle 27, except as modified herein. When the District Council determines that it is impractical to conduct an in-person hearing at County designated buildings, all or a portion of the hearing may be conducted virtually/remotely.

Upon notification of a hearing, the applicant shall object in writing, within five (5) business days, if they are opposed to having a hearing conducted virtually. If the applicant submits a timely objection to the notice of the virtual hearing, the hearing will be rescheduled, provided the applicant submits written notification that it waives all statutory timelines related to the application.

(a) Notice for the virtual/remote hearing and the agenda for the hearing shall include information about how the hearing will be conducted and how the public can access, observe, and participate in the hearing. If prior notice as required by law has been provided for a hearing to be held in person, additional notice shall be given as to reasonably inform an interested person that such hearing will be held by virtual/remote participation; provided, however, additional notice shall not be deemed jurisdictional.

The notice shall advise that documents will be available online and that any interested party may contact the Clerk of the Council, the Zoning Hearing Examiner, or Board of Appeals, as applicable, to receive a paper copy of a document if the document is not accessible online.

(b) Upon notification of an oral argument hearing before the District Council, an interested party required to file a document in accordance with oral argument procedures shall do so in person, by email, by other electronic portals, or by drop box. Any document required to be filed in accordance with oral argument procedures shall be submitted no later than five (5) business days before the scheduled oral argument hearing.

(c) Upon notification of an evidentiary hearing before the District Council, the Zoning Hearing Examiner, or Board of Appeals, an interested party shall submit documents for the record in person, by email, by other electronic portals, or by drop box. All documents for the record shall be submitted no later than five (5) business days before the scheduled evidentiary hearing. With permission from the Zoning Hearing Examiner or the Board of Appeals, a party may submit supplemental documents for the record.

(d) Before the commencement of a hearing, the District Council Chair (or designee), the Zoning Hearing Examiner, or the Chair of the Board of Appeals (or designee) shall describe the procedures that govern the hearing, including the procedures to receive virtual testimony and public comment.

(e) The District Council, Zoning Hearing Examiner, or Board of Appeals shall not be responsible for resolving any technical difficulties incurred by any person participating in a virtual/remote hearing.

7. FINAL ACTION.

When time permits, proposed amendments shall be typed on a separate form. The Clerk shall distribute the proposed amendments to every Member. This requirement shall not preclude the offering of amendments orally during debate. Amendments shall be numbered by the Clerk in order of introduction. Voting on amendments may be by item where presented by separate enumeration and by an entire redraft when substituted for the draft that was introduced and considered at the public hearing. The final action shall clearly articulate the policy or the basis in the record for the Council's action. Upon final review of a zoning application or case, the District Council shall adopt a written document that embodies a final decision.

8. RECONSIDERATION.

An action of the District Council may be reconsidered in accordance with Section 9.6 of the County Council Rules of Procedure on the next regular session of the District Council, provided the action has not been appealed or the statutory time for action has not expired. An action reconsidered pursuant to Section 27-135 shall be scheduled for public hearing and subsequent final action.

9. RULES CHANGES AND SUPPLEMENTS.

9.1. Suspension of Rules.

The suspension of any rule shall require the concurrence of two-thirds of the Members of the Council. This motion is debatable, but does not permit discussion of the main question. It can neither be reconsidered, laid on the table, nor postponed indefinitely; and, while it is pending, no motion can be made except to adjourn. A separate suspension of the rules shall be necessary for each proposition.

10. EX PARTE COMMUNICATION.

No person shall communicate orally or in writing with a Member of the District Council in a manner intended to influence the decision of the Member on the merits of any matter which is required to be made upon facts established by a record of testimony. An official shall not consider any ex parte or private communication from any person, whether oral or written, which the official knows or should know may be intended to influence the decision on the merits of any matter where a determination or decision by the official is required by law to be made upon facts established by a record of testimony. Any such ex parte or private communication received by the official shall be made a public record by the official and filed in the matter in question, and if made orally, shall be written down in substance for this purpose by the official, made a public record and filed in the matter in question. Disclosure of ex parte communication includes a communication concerning a pending zoning application between an applicant or applicant's agent and an official. For each ex parte communication, the official must file a separate disclosure form with the Clerk of the County Council within five (5) working days after the communication was made or received, whichever is later.

11. ETHICS.

11.1. General.

In certain zoning application proceedings, a Member of the District Council may not vote or participate in any way, if the member, the member's treasurer or continuing political committee, or a slate to which the member belongs or belonged, received a prohibited payment from an applicant or agent of the applicant. The Member may not vote or participate if a prohibited payment was received 36-months prior to filing of an application or during the pendency of an application. A prohibited payment is a payment or contribution of money or property or the incurring of liability or promise of anything of value received from an applicant or agent. An applicant must file an appropriate affidavit disclosing whether or not a prohibited payment was made no later than 30 days before the Council considers an application. Under certain circumstances, an agent must also file an appropriate affidavit. Zoning proceedings includes participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the County Council or the Planning Board, where the intent is to intensify the zoning category applicable to the land of the applicant.

11.2. Clerk of the Council.

Affidavits and disclosures required under Rule 10 and 11 shall be filed in the appropriate case file of an application and shall be available to members of the public upon written request. The Clerk of the Council, at least twice a year, shall prepare a summary report compiling all affidavits and disclosures that have been filed in the application case files. The summary reports shall be filed with the State Ethics Commission of Maryland.