

# **RULES OF PRACTICE AND PROCEDURE OF THE CHARLES COUNTY ANIMAL MATTERS HEARING BOARD**

## **SECTION I. INTRODUCTION:**

### **A. Purpose:**

- These Rules of Practice and Procedure are designed to facilitate the conduct of the Animal Matters Hearing Board (hereinafter referred to as the “AMHB”).

### **B. Charge:**

- Effective September 1, 1991, the Charles County Commissioners adopted Article I of the Animal Regulations and pursuant to Charles County Code Chapter 230, §4, the Animal Matters Hearing Board is charged with powers and duties in conducting hearings to enforce complaints for violations of the provisions of the Animal Regulation Article.

## **SECTION II. ORGANIZATION**

### **C. Composition:**

- The AMHB will consist of not more than nine (9) members who shall be appointed by the Charles County Commissioners who shall designate one member to be Chairperson among those names voted on by the membership. The Chairperson shall serve in that role until the expiration of their term, resignation, or other removal by the Commissioners.
- The Chairperson shall have the duty and responsibility for the overall coordination of the AMHB including ruling on preliminary matters of a procedural nature, approving and execution of all AMHB Orders, and maintaining order and civility at AMHB meetings.
- The Clerk under direction of the Chairperson shall have the responsibility of scheduling meetings, issuing summons, subpoenas and all correspondence from the AMHB.

- The AMHB Members shall also choose a Vice-Chairperson to serve as Chairperson in the Chairperson's absence. In the absence of the Chairperson, the Vice-Chairperson will preside at the AMHB meetings and will have the authority to sign and execute all correspondence on behalf of the AMHB.
- The AMHB appointments will be for a term of four (4) years. Appointees can serve no more than two (2) consecutive terms. Board members shall continue to serve after the expiration of their respective terms until their successors have been appointed. Any person appointed to fill a vacancy created by resignation or otherwise appointed to fulfill the unexpired term of a member who has vacated a position is eligible for an additional appointment of two (2) four-year consecutive terms.
- Members of the AMHB shall serve without compensation.
- Members shall be governed by the County Code of Civility, Section A, Resolution 2012-70.
- Any Member who has three (3) unexcused absences, *excessive tardy* within one (1) calendar year or violates any rules of the AMHB, may be removed by request of the Chairperson to the County Commissioners.
- The County Attorney shall be the legal advisor for the AMHB. The County Attorney shall attend the AMHB meetings, provide advice and assistance to the membership during hearings in their capacity as the AMHB legal advisor. The County Attorney may delegate these duties to an Associate County Attorney.
- The Clerk(s) of the AMHB shall have the duty and responsibility to the Chairperson for the overall coordination of the AMHB meetings and membership of the AMHB.

### **SECTION III. POWERS AND DUTIES:**

#### **D. Procedure:**

- The AMHB shall hold meetings on Animal Regulation violations as scheduled by the Clerk and Chairperson.

- The AMHB meetings shall be held in the Charles County Government building, 200 Baltimore Street, La Plata, Maryland, in the Commissioners meeting room, except as otherwise moved by the Chairperson and Clerk.
- The AMHB hearings shall begin at 6:00p.m. and be held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesdays each month, unless otherwise rescheduled by the Chairperson and Clerk.
- The parties to any Citation or Complaint shall be served with notice of the AMHB meetings in writing at least fourteen (14) days prior to the scheduled meeting date.
- The Clerk shall confirm the date and form of notifications at the AMHB meetings.
- The parties may waive time requirements to the fourteen (14) day receipt of notice in writing and at their discretion.
- The AMHB shall hold meetings that are open to the public.
- The AMHB may meet in closed session for the purpose of discussing evidence received at the open meetings, however, no evidence, argument, or other matter shall be received by the AMHB in a closed session, nor shall any party of interest be heard by the AMHB in a closed session.
- All decisions are to be made in accordance with County Code Article I of the Animal Regulations.
- All decisions of the AMHB shall be made on the record and written orders shall be signed by the Chairperson at the conclusion of each hearing.
- Any Owner cited to appear before the AMHB must attend per the citation of an Animal Control Officer and answer to any allegations in the citation(s).
- Failure of any Owner to attend may subject them to fines, penalties and referral to the Office of the State's Attorney without further notice.
- Any Owner who is served with a Complaint must appear at the AMHB hearing as provided on the notice.
- Requests for continuances must be submitted in writing to the Clerk of the AMHB, any grant of a continuance must be approved by the Chairperson.

- Failure of the Complainant to appear without grant of an approved continuance (upon a showing of good cause) will be cause for an automatic dismissal of the Complaint.
- Failure of the Owner to appear without grant of an approved continuance (upon a showing of good cause) after being served with the Complaint will cause the hearing to proceed and be decided based on the Complainant's presentation.
- Should good cause be shown for grant of continuance or reconsideration of a prior Order, the Chairperson may recall the matter at the next available hearing, after notification by the Clerk.

**E. Conduct of Public Hearing:**

- All hearings are to be conducted on an informal basis and conducted in accordance with the County's Code of Civility, Resolution 2012-70.
- All persons who testify will be required to take an Oath administered by the Clerk.
- All persons who testify will be required to state their name to be properly recorded.
- Any party or witness who seeks to offer any document or exhibit into evidence for the AMHB's consideration shall first request permission to enter such from the Chairperson and have it shown to the opposing party. If permission is granted by the Chairperson, the document or exhibit shall be marked for identification and placed on record by the Clerk prior to review by the AMHB Members.
- All such admitted exhibits introduced at any hearing shall be retained in the file pending final resolution and any appeal noted. Parties seeking return of any exhibits shall contact the Clerk to obtain return upon final AMHB action and tolling or termination of all appellate proceedings.
- The length of testimony will be pursuant to the hearing procedures promulgated by the AMHB and limited at the discretion of the Chairperson.

- Any AMHB Member, upon recognition by the Chairperson, may question any witness. Any AMHB Member who feels they have a conflict of interest on any matter shall recuse themselves and refrain from discussion and voting on that matter.
- After all witnesses have been heard, the AMHB may discuss the case and make findings of fact and conclusions of law on the record based upon the testimony and other evidence properly presented at the hearing.
- The AMHB is not bound by the Maryland rules of evidence but will apply such rules to the end that any probative, non-prejudicial evidence may be considered.
  - The AMHB may exclude any immaterial or unduly repetitious evidence;
  - The AMHB may limit the number of witnesses when testimony is cumulative in nature.
- All public records, previous AMHB decisions, public local laws and regulations of Charles County which pertain to a particular case shall be received by reference from the Clerk and presented to the AMHB for its consideration.
- The oral decision of the AMHB shall be followed by a written order signed by the Chairperson and provided to the Owner.
- Prior to meeting on any matters, the Chairperson shall state that the decision of the AMHB may be appealed as provided by the laws of the State of Maryland and Maryland Rules of Procedure.

**G. General Provisions:**

- The general public is encouraged and invited to attend AMHB hearings. All persons in attendance shall maintain order and refrain from disturbing the process of the meeting. All persons shall maintain proper decorum and be governed by the County's Code of Civility, Resolution 2012-70. In the event of any disruptions, the Chairperson may clear the room of offending persons and/or recess the hearing.

- At any AMHB meeting, the presence of a quorum (a simple majority of the AMHB Members) is required to conduct any business. No member may be counted towards a quorum or vote by proxy.
- Voting shall be verbal by all Members including the Chairperson, silence shall be taken as an affirmative. Members shall be governed by the County's Code of Civility, Resolution 2012-70, in all public meetings.
- Robert's Rules of Order are recognized by the AMHB for conducting meetings, however, strict adherence shall not be required.
- Agenda: A tentative agenda of each regular meeting will be prepared by the Clerk, sent electronically to each member, and made available to the public at least 3 days prior to AMHB meetings.
  - The agenda will include the date, time and place of the scheduled meeting and Citation names and numbers or Complaint names and numbers.
  - The agenda of a special meeting will include a statement of the specific purpose of the meeting.
  - The deadline for placing any item on the agenda shall be the close of business one week prior to the scheduled meeting.
  - Any defect or changes in the agenda will not affect any notice provided the parties, or actions taken by the AMHB.
- Minutes: Written minutes of all meetings of the AMHB shall be prepared by the Clerk and provided to each AMHB Member and County Staff.
- Minutes of the AMHB will reflect:
  - The start and end times of the meeting;
  - Those Members and County Staff in attendance at the meeting;
  - Each party and matter considered by the AMHB;
  - The actions taken by the AMHB;
  - Each vote which was recorded.

- Minutes of the AMHB are tentative and unofficial until approved by the AMHB at a subsequent meeting.
- AMHB agenda and approved minutes are made available to the public on the County's official website.
- The AMHB may move to a closed session or adjourn an open meeting by a passing vote on a motion of any Member in accordance with State law and County policy.
- All proceedings of the AMHB are recorded and shall be made available to the public on the County's official website.
  - Any requests for a copy of the recorded proceedings shall be made to the Clerk in writing, and include the payment of the fee for reproduction.
  - If a written transcript is required to be filed by anyone appealing the AMHB's decision, the Clerk within 60 days of receiving notification of the appeal, shall secure a copy of the recorded proceedings and provide it to a local Court Reporter service for invoicing the appealing party.
  - All costs for the transcript shall be paid directly from the appealing party to the designated Court Reporter service.
  - The transcript, once all fees are paid, shall be provided by the Court Reporter service to the appealing party, the Clerk of the AMHB and the Court Clerk where the appeal was filed.
- Any provision of these Rules of Practice and Procedure of the AMHB may be amended by the AMHB Members from time to time.
- These Rules of Practice and Procedure do not constitute jurisdictional requirements. Failure of the AMHB, County Staff, or any party to comply with any provision of these Rules shall not invalidate or otherwise affect any valid decision or action of the AMHB.