

## **RULES OF PROCEDURE OF THE ANNAPOLIS CONSERVANCY BOARD**

### **I. Introduction**

These Rules of Procedure (“Rules”) are issued as a guide to assist the Annapolis Conservancy Board (“Board”) in the orderly and efficient conduct of all matters which it considers by law so as to effectively exercise its powers and duties set forth in the applicable sections of the Code of the City of Annapolis (“City Code”). These Rules supplement the applicable provisions of the City Code which pertain to the Board. The Board is an advisory board to the City of Annapolis, Maryland (“City”).

### **II. Conservation Easement Monitoring**

Each year, one or more Board members will complete a site visit to each of the conservation easement properties actively monitored by the Board (each a “Conservation Property” and collectively, the “Conservation Properties”). The Board website, <https://www.annapolis.gov/530/Annapolis-Conservancy-Board>, shall maintain an up-to-date list of all Conservation Properties to be monitored by the Board. Such Conservation Properties may include ones for which the City holds a conservation easement that remain in private ownership or are owned by an entity other than the City; properties owned by the City and held for a conservation purpose; and City-owned properties that have a conservation easement held by another entity, but which the Board has the responsibility for monitoring.

- a) The City staff Liaison (“City Liaison”) will coordinate with City staff to provide the Board with maps of each Conservation Property that include the boundaries of the easement or conservation area to be monitored and satellite imagery. Each map will be housed on the Board website.
- b) Prior to each site visit, the Board member(s) monitoring the site will review the terms and conditions listed in the applicable Deed of Conservation Easement or other document used to specify similar terms and conditions (each the “Easement Terms”), the map of the Conservation Property, and the most recent Conservation Easement Inspection Report (each a “Report”), if available. The Report shall be substantially in the form approved by the Board for use.
- c) During each site visit, the Board member(s) will:
  - i. Traverse as much of the Conservation Property as possible to observe whether or not any changes have occurred since the previous monitoring visit and to identify any potential violations to the Easement Terms.
  - ii. Complete a Report and take two representative photos of the Conservation Property, and note on the Report if the Board sign is posted and/or needs replacing.

- d) Following each site visit, Board member(s) will:
  - i. Submit completed Reports and representative photos to the Board Chair and the City Liaison. All Reports and photographs shall be uploaded to the Board's Shared Google Drive, or similar cloud-based records management system, managed by the City Liaison.
  - ii. Report any potential violations of the Easement Terms to the Board Chair and the City Liaison, and the Board will thereafter follow the Procedure for Easement Enforcement described in Paragraph III.

### **III. Procedure for Easement Enforcement**

Enforcement of any Easement Terms for a Conservation Property is the responsibility of City. If, in carrying out its duties, the Board becomes aware of any change in conditions on a Conservation Property which may be a possible violation of Easement Terms, the Board may, in its advisory capacity, issue a written recommendation to the City Manager, or his/her designee. If a potential violation of Easement Terms was observed by Board member(s) and/or the City in the course of its monitoring or other visit to a Conservation Property, the Board will use the following procedures.

- a) If the violation is of an impermanent nature (e.g. trash found within the Conservation Property, dumping of landscape materials, etc.), the Board Chair will instruct the City Liaison to write to the landowner of the Conservation Property (a "Landowner") to inform them of the violation and request that it is resolved within a reasonable timeframe. The Board member(s) who conducted the initial site visit will conduct a follow-up visit at the Conservation Property after the timeframe has expired to ensure the violation is resolved.
- b) If the violation is of a more permanent or severe nature, or if the violation is not resolved pursuant to Paragraph III(a) above, the Board Chair may add the review of the violation to the agenda of the next meeting of the Board. If the matter is time sensitive, the Chair may call a special meeting in his/her sole discretion.
- c) The Board will deliberate on the violation at the Board meeting. Such deliberations may occur in a closed session as permitted by law. The Board may continue such deliberations at a later meeting, upon a vote by the Board to do so.
- d) The Board may take action on the violation after Board deliberations are concluded. This may include, but is not limited to, voting on a recommendation to the City to submit a notice to cure the violation, postponing a vote until more information is gathered, voting that no action is needed, or such other action as the Board deems appropriate through a vote.
- e) If the Board votes to provide a recommendation to the City of Annapolis, the Board shall issue a written memorandum stating a recommendation to the City Manager. The memorandum shall state findings of fact and the vote of the Board.

#### **IV. Procedure for Addressing Easement Concerns**

Any individual that has witnessed a possible violation of the Easement Terms for any Conservation Property or that has concerns related to an existing Conservation Property may request the Board to review the possible violation or concern through the following process. If the possible violation or concern relates to a matter that is already in private litigation, the matter will be referred to the City's Office of Law and will not be reviewed by the Board until directed by the City's Office of Law.

- a) An individual (a "Complainant") may submit information regarding a possible violation or concern related to a Conservation Property in writing (a "Complaint") via letter or email to the City Liaison at the address(es) listed on the Board website. The Complaint must include a description of the concern or possible violation, the date the possible violation or concern was initially identified, the location of the possible violation or concern, and contact information where the Complainant can be reached.
- b) The City Liaison will confirm that the possible violation or concern is located within an existing Conservation Property, and will share the Complaint with the Board Chair. The Board Chair and the Board Vice-Chair shall consult with the City Attorney to determine if based on the information provided by the Complainant and the Terms of the Easement, the Complaint warrants further investigation.
- c) If a site visit is warranted, City staff and at least one member of the Board will conduct a site visit to the applicable Conservation Property to review the area of concern.
- d) Results from the site visit will be shared with the Board Chair and the Board Vice-Chair. The Board Chair, the Board Vice-Chair, and the Board member(s) who conducted the site visit will meet, in accordance with state laws as applicable, to determine if the Complaint warrants further review or action as follows:
  - i. If the Board Chair, the Board Vice-Chair, and additional Board member(s) determine a violation of an impermanent nature exists (e.g. trash found within the Conservation Property, dumping of landscape materials, etc.), the Board will write to the landowner of the Conservation Property (a "Landowner") to inform them of the violation and request that it is resolved within a reasonable timeframe. The City Liaison will mail the letter and inform the Complainant of that letter. The Board member(s) who conducted the initial site visit will conduct a follow-up visit at the Conservation Property after the timeframe has expired to ensure the violation is resolved.
  - ii. If the Board Chair, the Board Vice-Chair, and additional Board member(s) determine the violation is of a more permanent or severe nature, or if the violation is not resolved pursuant to Paragraph III(d)(i) above, the Board Chair will add the review of the Complaint to the agenda of the next meeting of the Board. If the matter is time sensitive, the Chair may call a special meeting in his/her sole

discretion.

- iii. Prior to the meeting, the City Liaison will contact the Landowner to let them know of the Complaint, and to invite them to participate in the scheduled Board meeting. The City Liaison will also contact the Complainant to invite them to participate in the scheduled Board meeting.
  - iv. Prior to any review of or meeting of the Board on a Complaint, the City staff will conduct all research necessary to furnish the Board with the information needed to sufficiently review the Complaint.
  - v. If the Complainant or the Landowner wishes, either or both may submit documents to the City Liaison at least ten days in advance of the date of the scheduled Board meeting to distribute to the Board for their review.
- a) During the Board's review of the Complaint at the scheduled Board meeting:
- i. The Board Chair will call for the review of the Complaint.
  - ii. Either the City Liaison or a Board member will provide a summary of the initial Complaint, and any findings by City staff during their research or initial review of the Complaint. If Board members conducted a site visit prior to the Board meeting, they shall also share their findings.
  - iii. The Complainant will be provided a reasonable amount of time, in the Board Chair's discretion, to provide comments related to the Complaint.
  - iv. The Landowner, or a designated representative of the Landowner, will be provided a reasonable amount of time, in the Board Chair's discretion, to provide comments related to the Complaint.
  - v. The Board will deliberate on the Complaint at the Board meeting. Such deliberations may occur in a closed session as permitted by law. The Board may continue such deliberations at a later meeting, upon a vote by the Board to do so.
  - vi. The Board may take action on the Complaint after Board deliberations are concluded. This may include, but is not limited to, voting on a recommendation to the City to submit a notice to cure the violation, postponing a vote until more information is gathered, voting that no action is needed, or such other action as the Board deems appropriate through a vote.
- b) The Chair may make such rulings as may be necessary to conduct a public meeting in an efficient and orderly manner including, but not limited to, imposing reasonable time limitations on comment periods.
- c) If the Board votes to provide a recommendation to the City of Annapolis, the Board shall issue a written memorandum stating a recommendation to the City Manager. The memorandum shall state findings of fact and the vote of the Board.
- d) The Board may reconsider its decision on an agenda item when there is a clear showing

that certain pertinent and significant new evidence relevant to the Board's decision on the agenda item has been discovered by the Board, or for any other compelling reason or for other good cause shown as determined by the Board.

## **V. Procedure to Request Approval of a Reserved Right**

If a Landowner wishes to exercise a reserved right ("Reserved Right") provided for within a Deed of Conservation Easement for which prior approval is required by the Board, the Landowner shall submit a request for such approval to the Board and the City, and the Board and the City shall review the request in the following manner:

- a) The Landowner shall submit the request for approval of a reserved right related to a Conservation Property (a "Request") in writing via letter or email to the City Liaison at the address(es) listed on the Board website. The Request must include a description of such reserved right in sufficient detail as to allow the Board to fully evaluate the Request, and contact information where the Landowner can be reached.
- b) The City Liaison will share the Request provided by the Landowner with all Board members.
- c) If needed, City staff and at least one member of the Board will conduct a site visit to the applicable Conservation Property to review the location that is the subject of the Request.
- d) The Board Chair will add the review of the Request to the agenda of the next Board meeting. If the matter is time sensitive, the Chair may call a special meeting in his/her sole discretion.
  - i. Prior to the meeting, the City Liaison will contact the Landowner to learn more about the Request and to invite the Landowner to participate in the scheduled Board meeting.
  - ii. Prior to the scheduled Board meeting, the City staff will conduct all research necessary to furnish the Board with the information needed to sufficiently review the Request.
  - iii. If the Landowner wishes, they may submit documents to the City Liaison at least ten days in advance of the date of the scheduled Board meeting to distribute to the Board for their review.
- e) During the Board's review of the Request at the scheduled Board meeting:
  - i. The Board Chair will call for the review of the Request.
  - ii. Either the City Liaison or a Board member will provide a summary of the Request and any findings by City staff during their research or initial review of the Proposal. If Board members conducted a site visit prior to the Board meeting, they shall also share their findings.

- iii. The Landowner, or a designated representative of the Landowner, will be provided a reasonable amount of time, in the Board Chair's discretion, to provide comments related to the Request .
  - iv. The Board will deliberate on the Request at the Board meeting. Such deliberations may occur in a closed session as permitted by law. The Board may continue such deliberations at a later meeting, upon a vote by the Board to do so.
  - v. The Board may take action on the Request after Board deliberations are concluded. This may include, but is not limited to, voting on a recommendation to the City to approve the Request , or to deny the Request , or voting that no action is needed, or such other action as the Board deems appropriate through a vote.
- f) The Chair may make such rulings as may be necessary to conduct a public meeting in an efficient and orderly manner including, but not limited to, imposing reasonable time limitations on comment periods.
  - g) If the Board votes to provide a recommendation to the City, the Board shall issue a written memorandum stating a recommendation to the City Manager. The memorandum shall state findings of fact and the vote of the Board.
  - h) The Board may reconsider its decision on an agenda item when there is a clear showing that certain pertinent and significant new evidence relevant to the Board's decision on the agenda item has been discovered by the Board, or for any other compelling reason or for other good cause shown as determined by the Board.

## **VI. Procedures for Evaluating New Conservation Properties**

The Board has as one of its charges a responsibility to evaluate and recommend additional conservation areas to be created in the City, including areas proposed by the City, private citizens, developers, or other landowners, or as a result of outreach activities of the Board.

a) The City shall refer any potential conservation easements being proposed as part of new development or redevelopment activity, or other potential conservation easements as a result of other City actions, to the Board during the City's review process, and will ensure that the Board recommendations are considered as part of the official City approval process.

b) The Board may also provide recommendations to any developer or property owner that wishes to consider granting a conservation easement, and the Board may recommend and help facilitate the process with the City for action as recommended by the Board.

c) The Board may identify and recommend properties for conservation, particularly such properties that would help the City achieve its Comprehensive or Greenway Plans or such other conservation or recreational goals as may be established by the City from time to time.

d) The Board may provide information to landowners about the benefits of conservation easements and options to conserve their land, and help facilitate the conservation of land through the City approval process and implementation.

e) All of the above actions and activities must be a result of the full Board consideration and require the normal Board approval processes.

## **VII. Conflicts of Interest**

Members of the Board shall disclose an actual, apparent, or potential conflict of interest pertaining to any matter before the Board, and shall recuse themselves or take such other actions as required by the public ethics requirements of the City Code.

## **VIII. Amendments**

These Rules may be amended at any public hearing of the Board, and notice of any proposed changes shall be given in accordance with the City Code.

## **IX. Conflict**

- a) Whenever any conflict occurs between the Annotated Code of Maryland and these Rules, the Annotated Code of Maryland shall govern.
- b) Whenever any conflict occurs between the City Code and these Rules, the City Code shall govern.

## **X. Effective Date**

- a) These Rules shall be effective on the date of their adoption by a majority of the members of the Board.
- b) A written copy of these Rules shall be posted on the Board's website.