MEMORANDUM TO: All Civic Associations

FROM: People's Counsel for Baltimore County

SUBJECT: Appearance before the Board of Appeals as Representative of a Civic Association

Attached to this memorandum is a copy of Rule 8 of the Rules of Practice and Procedure of the County Board of Appeals which governs the appearance before the Board of representatives of civic or improvement associations.

This rule requires the following:

1. That the person who testifies can describe accurately the number of members in the association and the geographic limits of the association; and

2. That the person is authorized to speak for and present the views of the association. This second requirement can only be met by:
   a. A resolution (in duplicate) adopted by the association at its annual meeting, first meeting of each year, or a special meeting of the association signed by the president and attested by the secretary. This resolution must state that the responsibility for review and action of all zoning matters is placed in the board of directors or a duly elected zoning committee; and
   b. A written affidavit (in duplicate) signed by the president of the association and attested by the secretary that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee; and
   c. A resolution (in duplicate) adopted by the board of directors or zoning committee signed by the president and attested by the secretary stating the position of the association.

For your assistance, we have also attached sample resolutions and affidavits which may be used by your association. They have been reviewed by the Board of Appeals for form, but, of course, the substance remains the responsibility of the community association.

Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosures

05/05
Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that he has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that he is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting, first meeting of each year, or a special meeting of the association, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee. [Bill 50-05]

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that he is currently a duly elected member of the board of directors or zoning committee of that association, or is an attorney appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.
RESOLVED: That the position of the __________________
____________________________ Association as adopted by the (Board of Directors)
(Zoning Committee) on the zoning matter known as:

is that:

AS WITNESS OUR HANDS AND SEAL THIS ______ day of
__________________, ________.

ATTEST: ___________________________ Association

____________________________     ____________________________
Secretary                         President
STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of
the  (Board of Directors)    (Zoning Committee)  of the
__________________________________________Association.

ATTEST:

_______________________Association

____________________________
Secretary     President

DATE: _____________________
RESOLVED: That at the ________________ meeting of the ____________________________ Association held on ________________ [DATE], it was decided by the Association that responsibility for review and action on all zoning matters for the period ____________________________ be placed in the (Board of Directors) (Zoning Committee) consisting of the following members, each of whom is hereby authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

AS WITNESS OUR HANDS AND SEAL THIS ______ day of ______________________.

ATTEST: ____________________________ Association

______________________________    ________________________________
Secretary                                    President