

RULES OF PROCEDURE
THE MONTGOMERY COUNTY PLANNING BOARD

Outside Communications
(excerpted from full [Rules of Procedure](#) document)

3.2. **Outside Communications.**

3.2.1. **Policy.** To preserve public confidence in the fairness of Planning Board deliberations and decisions, the Planning Board should ensure that the public and interested Persons have the opportunity to know, and respond to, all information that the Planning Board considers in making its decisions. The Planning Board should also ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Planning Board member. The Board may take administrative notice of facts in common knowledge and matters falling within any member's experience and expertise, as disclosed by that member, in reaching a decision on a matter. The Planning Board's ex parte rules apply only to those matters identified in Rule 1.3.

3.2.2. **Planning Board's Obligation to Avoid Improper Contacts.** When considering any matter decided under these Rules, the Planning Board deals with Persons who are directly affected by its decision (such as the Applicant and neighbors of a proposed subdivision site). Each of these interested Persons needs the assurance that other interested Persons will not have an unfair advantage in presenting their version of the relevant facts or concerns to the Board. To that end, Board members must avoid communicating with Applicants or any other Persons about a pending Application except at Board meetings when the Application is considered. The Planning Director must regularly publish a roster of pending Applications in appropriate detail to avoid violations of this Rule.

3.2.3. **Prohibitions.** Each Planning Board member must not communicate with any Person, other than Planning Staff or another Board member, about the merits or facts of any pending Application or alleged Violation, except during the Board meeting

when the Application or alleged Violation is being considered. If the Board finds that any Person has intentionally communicated or attempted to communicate with a Board member in violation of this Rule, the Board may impose an appropriate sanction, including deferral of the Board Action concerning that Application for a period of up to 6 months or exclusion of any testimony by the Person from the record of the matter to which the prohibited communication pertained.

- 3.2.4. **Disclosure of Unsolicited Communications.** If a Planning Board member receives unsolicited communications about a pending Application or alleged Violation outside of a Board meeting, the member must disclose and describe the communications at the earliest opportunity during the Board's consideration of the proposal.
- 3.2.5 **Scope of Rule.** Nothing provided in this § 3.2 applies to any member of the Planning Staff. Subject only to the applicable provisions of the Maryland Open Meetings Act, nothing in this § 3.2 applies to or otherwise restricts any member of the Planning Board from communicating with any other Board member, Planning Staff member, or Board legal counsel for the purpose of obtaining information or advice. This § 3.2 also does not restrict any Board member from communicating with any third party in connection with any matter other than an Application or alleged Violation covered by these Rules.