



Howard County

Internal Memorandum

Subject: *Testimony for Council Resolutions CB 44-2026*

To: *Brandee Ganz
Chief Administrative Officer*

From: *Lynda Eisenberg, Director
Department of Planning and Zoning*

Date: *June 15, 2026*

The Department of Planning and Zoning submits testimony regarding CB 44-2026, the proposed amendment to Section 2.208 requiring that, for administrative appeals pursuant to Section 2.210, a representative from each administrative agency named as a party must appear before the Board of Appeals to explain the agency's decision and answer questions from the Board.

While transparency and accountability are important objectives, the proposed requirement raises several concerns regarding administrative efficiency, fairness, and the proper role of agency representatives in appellate proceedings.

First, the proposed language creates a mandatory appearance requirement for every administrative appeal regardless of the complexity or nature of the case. Many appeals involve straightforward issues that are adequately addressed through the record and written submissions. Requiring agency personnel to appear in every case would impose significant burdens on county departments and agencies, diverting staff from their primary public responsibilities and increasing administrative costs without a corresponding benefit to the Board's decision-making process.

Second, the proposal risks transforming an appellate review process into a quasi-investigative proceeding. In many of these cases the Board's primary function is to review agency decisions based on the record and applicable law. Mandating live testimony or explanations from agency representatives in every case may shift the focus away from the evidentiary record and create inconsistent standards of review depending on the availability, experience, or presentation skills of individual agency representatives.

Third, the requirement may create procedural inequities. Agency representatives compelled to appear and answer questions may effectively be called upon to provide testimony without clear procedural protections regarding the scope of questioning, evidentiary standards, or representation by counsel. The proposed language does not specify whether the representative must have personal knowledge of the underlying decision, authority to speak on behalf of the agency, or responsibility for defending the administrative record.

Fourth, the amendment could unnecessarily delay proceedings. Scheduling and coordinating mandatory appearances from agency personnel in every appeal may increase continuances, postpone hearings, and lengthen the time required for parties to obtain final decisions. Such delays would be contrary to the interests of both appellants and government agencies seeking timely resolution of disputes.

Finally, existing procedures already provide mechanisms for the Board to obtain additional information when necessary. Staff can be subpoenaed or asked to attend the hearing if the Board determines that clarification from an agency is required in a particular case. The Board should continue to retain the discretion to request the appearance of an appropriate agency representative. A discretionary approach would preserve flexibility while avoiding the burdens associated with a blanket mandate.

For these reasons, DPZ respectfully urges the County Council to reject CB44-2026, the proposed amendment to Section 2.208(E).