

RULES OF PROCEDURE
Carroll County Agricultural Reconciliation Committee

Foreword

The Carroll County Right to Farm Ordinance (Chapter 173 of the Carroll County Public Local Laws and Ordinance) provides that any controversy arising regarding an interference with the use or enjoyment of property from agricultural operations conducted on agricultural land shall be heard by the Agricultural Reconciliation Committee, which shall arbitrate and mediate these disputes and issue opinions on whether such agricultural operations are conducted in a manner consistent with generally accepted agricultural practices.

These procedures are issued to assist the Carroll County Agricultural Reconciliation Committee, its staff, county agencies, and the general public in the orderly and efficient conduct of all matters with which the Agricultural Reconciliation Committee is concerned.

1. Filing Procedure

1.1 There will be an attempt to resolve complaints informally and amicably before the Reconciliation Committee is involved, as set forth in the “Procedures for Responding to Calls” adopted or approved in August, 1995.

1.2 Requests for involvement of the Agricultural Reconciliation Committee shall be filed with the Agricultural Program Administrator (Department of Planning) on forms provided by the Agricultural Program Administrator.

1.3 Each request must be signed by all persons who are filing the grievance or complaint. Each request must contain the names and addresses of all parties, state the precise nature of the complaint and contain a reproducible 8 ½ x 11” area map showing specific land uses (crops, ponds, houses, buildings, etc.), parcel lines and parcel sizes of the properties of all parties involved in the dispute (the persons bringing the complaint as well as the persons against whom a complaint is being brought). Each request must also state the efforts which have been undertaken to resolve the dispute. Each request must also state whether the person(s) filing the grievance wishes to have testimony at the meeting taken under oath.

1.4 The Agricultural Program Administrator shall review all requests and shall instruct the person submitting the request to complete additional information needed if the request is incomplete.

2. Meetings

2.1 After receiving a complete application, the Agricultural Program Administrator shall schedule a meeting of the Agricultural Reconciliation Committee to consider the merits of the matter. All parties will be notified at least seven (7) days prior to the meeting of the date, time and location of the meeting. A quorum shall consist of 3 members of the Committee. Questions put to a vote are decided by a majority of the members present and voting; however, no decision shall be made in the absence of a quorum.

2.2 Subpoenas may be requested by any party and must be requested at least two (2) days prior to the meeting.

2.3 No member shall vote on a matter in which the member has personal involvement. Members shall comply with the Carroll County Ethics Law and are encouraged to consult the Carroll County Ethics Commission as to the propriety of their voting on a matter a member will have attended all meetings or have become familiar with the record of any meetings from which the member was absent at which the matter was discussed.

2.4 All parties will have opportunity to present what each considers being the pertinent facts at the meeting. Proceedings will be conducted in an informal manner and the Rules of Evidence will not apply. Members of the Committee may ask questions of the parties or witnesses at any time. The order of the meeting shall be as follows:

- a. Election of a Chair for the meeting.
- b. Introduction of the case.
- c. Presentation of the complaint by the person requesting involvement of the Agricultural Reconciliation Committee, or his agent or attorney.
- d. Questions by the person against whom the complaint has been made, his agent or attorney.
- e. Presentation of a response by the person against whom the complaint has been made, or his agent or attorney.

- f. Questions by the person requesting involvement of the Agricultural Reconciliation Committee, or his agent or attorney.
- g. Comments of other persons.
- h. Consideration by the Agricultural Reconciliation Committee.

Adopted this 4th day of March, 2010.

/s/ Barry Marsh
Chair