

RULES OF PROCEDURE

RUSTIC ROADS COMMISSION

The Rustic Roads Commission (“Commission”) was officially established through Bill No. 23-18 and approved by the County Executive on November 9, 2023. Duties and powers of the Commission are specified in §1-15-52 of the Frederick County Code.

Option 1: The Commission oversees the designation and protection of the County's most historic, scenic, and unaltered rural roads. Section 1-15-52 states that the Commission shall:

- (1) Adopt bylaws to govern its procedures and activities;
- (2) Establish a nomination procedure for citizens to propose a road for inclusion into or removal from the Rustic Roads Program;
- (3) Identify and oversee the designation of Designated Rustic Roads and Candidate Roads in Frederick County and submit recommendations to the County Executive and County Council;
- (4) Advise the County on the protection of Designated Rustic Roads and Candidate Roads, to include the review of proposed substantial changes to these roads;
- (5) Develop and encourage community efforts and resources for action on Designated Rustic Roads;
- (6) Consult with County staff, the County Executive, and the County Council as requested relative to specific rustic road preservation issues and related needs that may arise; and
- (7) Develop advisory standards and practices to be considered to maintain Designated and Candidate Rustic Roads, promote preservation, maintain the roads' eligibility, preserve character defining features, and ensure safety. The advisory standards and practices will also identify actions that are not considered maintenance, but changes or modifications that may negatively impact features that contribute to a rustic road's eligibility for designation.

Option 3: The Commission will administer the Rustic Roads Program of Designated and Candidate Roads, develop advisory standards and practices to be considered to maintain Designated and Candidate Rustic Roads, promote preservation and education, protect the roads' eligibility by preserving the character defining features, and ensure safety.

Section 1. Membership, Presiding Officers, and Committees

The Commission consists of seven (7) voting members, appointed by the County Executive, and confirmed by the County Council, and a member of the County Council who shall serve as an ex-officio non-voting member.

1.1 Chair

At its first meeting, and biennially thereafter, the Commission shall elect a Chair from among its members to serve a term of 2 years, with elections to take place in March. The Chair shall be eligible for reelection for up to two consecutive 2-year terms. The Chair shall be the presiding officer at meetings of the Commission and may call special meetings. The presiding officer shall decide on all points of order and procedure, subject to these Rules, unless otherwise directed by a majority of the voting members

present. The presiding officer may appoint a parliamentarian to assist in the implementation of these rules of procedure at their discretion.

1.2 Vice-Chair

At its first meeting, and biennially thereafter, the Commission shall elect a Vice-Chair from among its members to serve a term of 2 years, **with elections to take place in March**. The Vice-Chair shall be eligible for reelection for up to two consecutive 2-year terms. The Vice-Chair shall be the presiding officer at meetings when the Chair is absent. In the absence of both officers, a temporary Chair shall be elected by the voting members present.

1.3 Vacancy

Any vacancy in the membership of the Commission caused by the resignation, death, incapacity to discharge duties, or any other reason, shall be filled for the remainder of the term of the vacant position. Any vacancy on the Commission shall be filled on the same basis as the original appointment by the appointing authority (Frederick County Executive appoints, with confirmation by the County Council) as soon as practicable. In the case of an expiration of their term, a member may continue to serve until the member's successor is appointed. (*Members may be reappointed, but may not serve more than two (2) full consecutive three-year terms, except that initial members of the Commission who were appointed for a 3-year term may be reappointed for only one (1) additional consecutive term.*)

1.5 Special Committees

Special committees may be appointed by the Chair for specific purposes, including investigation, research, or study, **and shall be composed of less than a quorum of the entire Commission. Such committees shall report their findings to the Commission within a timeframe specified by the Chair. As necessary, committee findings or recommendations will be approved by a vote of the Commission.**

1.6 Compensation

The members and officers of the Commission shall serve without compensation.

Section 2. Voting

2.1 Quorum

A quorum shall exist when a majority of the appointed, voting Commission members are physically present at a Commission meeting, except at a virtual or hybrid meeting. (**A hybrid meeting allows in-person and virtual attendance.**) In the case of a virtual or hybrid meeting, a quorum will be established when a majority of Commission members are **either present in-person or connected to the meeting with a functioning internet connection or telephone connection that allows all members to be heard by the public and all other participating members.** No decisions shall be made in the absence of a quorum.

2.2 Physical Presence

A Commission member must be physically present to cast a vote, unless the meeting is held as a hybrid or virtual meeting. In the case of a hybrid or virtual meeting, a Commission member must be connected to the meeting with a functioning internet connection or telephone connection that allows all members to be heard by the public and all other participating members in order to cast a vote.

2.3 Recording Votes

Commission members' votes and abstentions shall be recorded on each motion by Staff.

2.4 Tie Votes

A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.

2.5 Ethics Ordinance.

Commission members shall comply with the Frederick County Ethics Ordinance (Frederick County Code Chapter 1-7.1) and are encouraged to consult the Frederick County Ethics Commission or Frederick County Attorney's Office as to the propriety of their voting on or participating in any matters that may involve conflicts of interest or the appearance of a conflict of interest.

2.6 Ex Parte Communication

Ex Parte Communications are prohibited. An Ex Parte communication includes an oral or written communication related to the business of the Commission that occur outside of a public Commission meeting. Ex Parte communication between Commission members and interested persons is prohibited if relevant to the merits of an active Commission proceeding. Members should not discuss applications with applicants or other interested persons outside the confines of a public meeting but should recommend that the person(s) contact Staff with any questions or concerns.

2.7 Disclosure of Ex Parte Communications.

If a member engages in an Ex Parte communication, the member should, at the next meeting in which the relevant application is to be discussed, state the nature of the communications and submit for the record any written communication received, any written response to a communication, a memorandum that states the substance of each oral communication received, and a memorandum that states the substance of any oral response to a communication. Alternatively, the member may recuse themselves from voting on that specific application and leave the room during consideration of that application.

Section 3. Meetings

3.1 Attendance

Any voting member of the Commission who fails to attend at least 50% of the meetings during a calendar year (January—December) shall be considered to have resigned. Subject to confirmation by the County Council, the County Executive shall appoint a replacement to the Commission.

3.2 Regular Meetings

Regular meetings shall be held monthly and scheduled accordingly, and called at the judgement of the Chair and/or Vice-Chair, on the **second Wednesday** of each month. Meetings may be postponed to such a day and time as directed by the Chair or Vice-Chair in consultation with Staff. If Frederick County Public Schools are closed due to inclement weather on the day of a regularly scheduled meeting, the meeting shall not occur, but will be rescheduled to a future date by the Chair and Staff, unless a virtual meeting can be arranged.

3.3 Special Meetings

Special meetings may be held to address issues of a sensitive, significant, or urgent nature that cannot wait until the next regular meeting date. Special meetings shall be conducted according to procedures governing regular meetings and, when possible, shall be scheduled by the Chair, in consultation with Staff, with at least seven (7) days' notice provided to all Commission members.

3.4 Closed Sessions

Nothing contained herein shall be construed to prevent the Commission from holding closed sessions from which the public may be excluded in accordance with State law, but no resolution or recommendation shall be finally acted upon at such a closed session.

3.5 Open Meetings

Except as provided in Section 3.4 above, all Commission meetings shall be open to the public as required by the Maryland Open Meetings Act (Maryland Code, General Provisions Article, sections 3-101 through 3-501).

3.6 Staff

County Staff will be designated by the County Executive as a liaison to assist the Commission in its duties and to make available such services and facilities deemed necessary or appropriate for the performance of the Commission's duties and responsibilities. County Staff shall distribute agendas, documents, and meeting minutes to all Commission members at or before the next meeting.

3.7 Order of Business

The order of business shall be in accordance with the agenda prepared by Staff, in consultation with the Chair, and submitted to the Commission members prior to the scheduled meeting. Commission members who desire to add to the agenda should notify the Chair and Staff of their request within 10 business days of the scheduled meeting in order for the Chair to determine whether the item is added to the current meeting agenda prior to its posting and distribution or placed on a meeting agenda further in the future.

Section 4. Conduct of Commission Members

4.1 Representing the Commission

A member shall not speak, offer testimony, or present written or verbal comments on behalf of the Commission except as authorized by a majority vote of the Commission. In any public or private statement concerning Commission affairs, members shall indicate whether they are speaking as an authorized representative of the Commission or for themselves.

4.2 Conduct at Meetings

Members shall conduct themselves at Commission meetings in a fair, understanding, and courteous manner. They shall strive to be considerate of all individuals, attitudes, and opinions involved in official Commission business. Members must first be recognized by the Chair in order to speak.

4.3 Gratuities and Entertainment

Members shall not accept gifts or compensation from any person or entity involved in matters that come before the Commission or matters which may reasonably be anticipated to come before the Commission.

Section 5. Implementation of Rules of Procedure

5.1 Roberts Rules

If in any case the Rules of Procedure do not address a particular process, the most recent version of Roberts Rules of Procedure shall be followed.

5.2 Amendment to Rules

Proposed amendments to these Rules of Procedure may be introduced at any meeting of the Commission, shall be added to the agenda of the next meeting, and shall only be adopted upon the affirmative vote of a majority of the voting members of the Commission.

5.3 Variance

Upon a majority vote of the Commission members (if a quorum is present) at a meeting, these Rules of Procedure may be temporarily modified or suspended to accommodate extenuating circumstances.