

COUNTY COUNCIL OF FREDERICK COUNTY
RULES OF PROCEDURE

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CHAPTER 1 GENERAL PROVISIONS

1-1 Definitions

The following terms have the meanings indicated.

- (a) “Bill” means any proposed act of the County Council resulting in a law or ordinance. It may not mean a resolution that is intended to have the effect of law.
- (b) “Charter” means the Charter of Frederick County, Maryland.
- (c) “Council” means the County Council of Frederick County, Maryland.
- (d) “County” means Frederick County, Maryland.
- (e) “Final reading” means the process by which a bill is presented to the Council in its final form and during which the Council votes on whether the bill, as presented in its final form, passes or fails.
- (f) “Legislative activity” means activities that may result in the passage of a bill.
- (g) “Member” means Council member.
- (h) “President” means President of the Council or the Vice-President of the Council **or the Treasurer of the Council** or other member while presiding in the President’s absence.
- (i) “Legislative Day” means at a meeting which is scheduled where the agenda items shall be reserved for bills scheduled for final reading, the introduction of new bills, and ceremonial functions.

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1-2 Robert’s Rules of Order

In all matters not provided for in these Rules, the applicable rules in the current edition of Robert’s Rules of Order Newly Revised govern.

1-3 Suspension of Rules

- (a) Except for a rule that is required by law, the Charter, or ordinance, a motion to suspend one or more of these Rules requires the affirmative vote of at least four members for adoption.
- (b) A separate suspension of the rules is required for each proposition.
- (c) A rule that is required by law, the Charter, or ordinance cannot be suspended.

1-4 Change in Rules

- (a) These Rules may not be amended unless the proposed amendment is:
 - 1. Prepared in the same form and manner as that required for an amendment to a bill;
 - 2. Submitted to the Council at least one meeting before it is considered; and
 - 3. Adopted by the affirmative vote of at least four Council members.
- (b) A rule that is required by law, the Charter, or ordinance cannot be amended.

1-5 Council President and Vice-President and Treasurer

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- (a) At the first scheduled meeting of the Council in December following an election, and every two years thereafter, the members of the Council shall elect a President and a Vice-President, from among the Council members and address such other matters they require.
- (b) With the affirmative vote of at least four Council members a President shall be elected from the Council membership.
- (c) With the affirmative vote of at least four Council members a Vice-President shall be elected from the Council membership.
- (d) **With the affirmative vote of at least four Council members a Treasurer shall be elected from the Council membership.**
- (e) **The Treasurer shall approve all expenditures for the Council and shall provide regular written reports on expenses to the Council.**
- (f) The President and Vice-President **and the Treasurer** shall serve during their term of office or until a majority of the Council shall choose to elect new officers.
- (g) **If the President, Vice President or Treasurer is found to have violated the Frederick County Ethics Law by the Frederick County Ethics Commission, the officer shall be deemed to have been removed from their leadership office. In the event the removed officer files an appeal of the Ethics Commission finding, the removal would be stayed pending a final determination from the courts.**

CHAPTER 2 MEETING LOGISTICS

2-1 Meeting Time and Location

- (a) Council meetings shall be scheduled to convene in the Council meeting room. In accordance with Frederick County Government Administrative Policy and Procedures, Policy #12-52, all Council meetings shall end no later than 11:00 p.m. The presiding

officer of the County Council shall have the limited discretion to extend the ending time until midnight, but only for an agenda item that was started on or before 10:00 p.m. on the same night.

- (b) A different time or place than those provided in paragraph (a) may be authorized by the affirmative vote of at least four Council members.
- (c) Scheduled meetings of the Council may be cancelled by the President or the Council. The President may cancel a scheduled meeting due to inclement weather or other emergency. The Council may cancel a scheduled meeting by an affirmative vote of at least four members, provided that the vote is taken at least seven calendar days before the canceled session. Should a scheduled meeting be cancelled, any public hearings that may have been scheduled for that meeting shall be rescheduled.

2-2 Meeting Notice

Public notice of meetings shall be provided in accordance of the Maryland Open Meetings Act.

2-3 Copies of Bills

At its public hearing, copies of a bill will be provided to the public. Thereafter, members of the public may obtain copies of bills for the cost of reproduction. Copies of the proposed bills shall also be maintained on the County website.

2-4 Copies of Minutes

Pursuant to the Charter, copies of the minutes of Council meetings are to be drafted within 21 days of the meeting and posted on the County website after approval.

2-5 Council Journal

- (a) Copies of the minutes of the Council meetings shall be made available to the public upon approval and shall appear on the County website or otherwise be published using electronic media. Video recordings of meetings that are open to the public pursuant to State law are to be made available on the County's website.
- (b) The name of every Council member introducing a bill or resolution, or moving to amend a resolution or other legislative matter, is to be entered in the Council journal.

2-6 Public Participation at Meetings

- (a) At public hearings and at all meetings that are not declared Legislative Days, the presiding officer may provide time for members of the public to address the Council on pertinent matters. On Legislative Days, such addresses may be permitted at the discretion of the presiding officer. The presiding officer may set a time limit on public

comment. Generally, individuals will have three (3) minutes for public comment; anyone representing an organization will have five (5) minutes for public comment.

- (b) No person will be allowed to address the Council until the appropriate time, as determined by the presiding officer.
- (c) A person who wishes to address the Council cannot proceed until recognized by the presiding officer. Upon recognition, the person must begin by first stating his or her name, home address, and the persons or organization represented, if any.
- (d) A member of the public who wishes to question a Council member or question a person appearing before the Council may be allowed to ask such questions, if permitted by the presiding officer. Such questioning may not occur until the person expressly asks for such permission and permission is expressly granted.
- (e) A person attending a public meeting who is not a member of the Council is a guest of the Council. As a guest, a person may not engage in any conduct that interferes with the right of anyone to attend the meeting or that disrupts a meeting, such as by waving placards, signs, or banners. The presiding officer may order a person who persists in disruptive conduct to be removed from the meeting and may request security or police assistance to restore order.

CHAPTER 3 MEETING PREPARATION

3-1 Meeting Agendas

- (a) The President is to prepare an agenda for each meeting.
- (b) A request by a member to include an item on a given agenda must be submitted to the President no later than 13 calendar days preceding the meeting at which it is proposed for discussion.
- (c) Each agenda is to be distributed to the Council members no later than seven (7) calendar days preceding the meeting for which it is relevant. After distribution, the President may amend an agenda. Council members may make requests to amend the agenda within **48 hours two business days** of receipt. In the event the President amends the agenda, the President will prepare and distribute a replacement agenda.

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3-2 Distribution Material

~~Before the start of each meeting~~ **[Council Members and/or staff must submit bills and supporting documentation to the Council Chief of Staff and President no later than one week prior to the meeting.]** The President will cause to be provided to Council

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members in electronic format all bills, resolutions, reports, and motions that are to be discussed no later than five (5) calendar days preceding the meeting.

3-3 Form of Bills and Amendments

- (a) All bills are to be styled: “Be it enacted by the County Council of Frederick County, Maryland.”
- (b) A bill introduced on behalf of the County Executive must be designated as being introduced by the President of the County Council at the request of the County Executive.
- (c) Amendments to a bill are to be appended to the bill and introduced on a plain page in a printed form. **These pages shall be printed on paper that is a color other than white.** The page on which the amendment appears is to state:

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- 1. The number of the bill which it amends;
- 2. The member or members introducing the amendment;
- 3. The date of consideration;
- 4. The amendment number; and
- 5. Appropriate notations of adoption or rejection typed thereon.

3-4 Bill and Amendment Preparation

The applicable staff of the County Executive shall prepare and draft a bill for the Executive in coordination with the County Attorney. Legislation introduced by one or more Council members shall be drafted in coordination with the County Attorney. **Bills drafted for the Council to be introduced by one or more Council members shall be forwarded to the County Executive prior to the bill’s introduction. Upon written support from at least three other Council Members, a Council Member may request legislation to be drafted by the County Attorney or appropriate staff.**

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3-5 Bill and Amendment Preparation

A Bill drafted by the County Executive shall be brought to a work session of the County Council prior to its introduction.

**CHAPTER 4
CONDUCT OF BUSINESS**

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4-1 Voting by Roll Call

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Voting is to be by roll call, except on procedural motions, consent agenda items, and adoption of minutes. The ayes and nays must be recorded in the Council journal. The order of voting shall be in the numerical order of Council District, with the at-large Council members then voting next in alphabetical order; except that the presiding officer will vote last.

4-2 Bill Introduction

- (a) A bill is introduced by reading its title.
- (b) If circumstances require it, the President may postpone a scheduled public hearing to a later date, provided that public notice of both the postponement and the subsequent hearing date are provided.

4-3 Petition for Hearing

- (a) A bill that has not been scheduled for a public hearing by the President may at any time be the subject of a petition demanding such a hearing.
- (b) Any member may make a motion for a petition demanding a hearing. The motion is to include the date, time, and place of the proposed public hearing. The motion will stand adopted by an affirmative vote of at least four Council members.

4-4 Scheduling Bills for Public Hearing

- (a) Except as provided in this Rule, if the President has submitted a bill to a County agency, board, or commission for review, ~~a public hearing on the bill cannot be convened until the President receives a report from the County agency, board or commission and causes the report to be distributed to the Council members.~~ **it is requested that the agency, board or commission conducts their review and report any findings or recommendations back to the County Council on or before the Council’s public hearing.** Copies of any such reports shall be available to the public.
- (b) If pursuant to this Rule an entity fails to report on a bill submitted to it, a **Council** public hearing on the bill may be commenced ~~by an affirmative vote of at least three members, even in the absence of the report.~~ **regardless.**

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4-5 Fiscal Note

The Division of Finance must prepare a fiscal note on the effects a bill may impose on the revenues, expenditures, liabilities, or assets of the County. Such fiscal note is to be submitted to the President and distributed to the members of the Council, County Executive, and made available to members of the public prior to the bill’s public hearing. **One or more Council Members may request a fiscal note before a bill is introduced in order to assess its feasibility.**

4-6 Conduct of Public Hearings

Would be new (b) and subsequent letter sections changed adopted.

Upon convening a public hearing, the presiding officer is to give a brief explanation of the purpose of the hearing.

For bills being introduced on behalf of the County Executive, a staff report will be presented at the start of the public hearing. For bills being introduced by one or more Council Members, those members may give remarks or make a presentation at the start of the public hearing

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- (b) As needed, the presiding officer may require a witness to take an oath prior to the witness giving testimony before the Council. The oath is to be in substantially the following form: “Do you solemnly swear or affirm under the penalties of perjury that the testimony you are about to give shall be the whole truth and nothing but the truth?”
- (c) Any Council member, upon recognition by the presiding officer, may question any speaker or witness.
- (d) A Council member may not initiate discussion or engage in debate without the consent of the presiding officer.
- (e) **Council member comments shall be permitted on each agenda item.**
- (f) **Public comments shall be at the beginning of each agenda and council member comments shall be at both the beginning and end of each agenda.**
- (g) **Each Council agenda shall contain a section entitled “New Business” where any council member may bring up items not related to the agenda.**

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4-7 Bill Amendments

- (a) A bill may be amended any time after its public hearing.
- (b) An agenda item that is not intended to have the effect of law (e.g. a resolution) may be amended at any time. Unless otherwise required by law, such an item is not required to have a public hearing before it is amended or adopted by the Council. The President may schedule a public hearing on such an item at his or her discretion or with the affirmative vote of three of the Council members.
- (c) A proposed amendment must be reduced to writing before it is adopted.

4-8 Final Readings of Bills

- (a) Only bills eligible for adoption by the Council under the applicable provisions of law, the Charter, ordinance or these Rules may be scheduled for final reading.
- (b) The Council cannot adopt an amended bill on final reading until the bill is reprinted or reproduced as amended.

- (c) Except as provided in Rule 5-15, a bill shall stand adopted by the Council when the Council has adopted a bill scheduled for final reading with an affirmative vote by the required number of members.
- (d) After adoption of a bill, and prior to its submission to the County Executive, if required, the President may correct errors in punctuation, grammar, spelling, formatting, section numbers, references to existing law, as well as improper capitalization, provided such changes do not alter a bill's substance.
- (e) The President shall certify an adopted bill. Thereafter, and pursuant to any relevant provision of law, the Charter, or ordinance, the President shall forward the certified bill to the County Executive for further consideration within 10 business days after enactment of the legislation.

4-9 Request for Return

- (a) Except as provided in Paragraph (b) of this Rule, the Council may request the County Executive to return a bill for further consideration on a motion to reconsider the vote. An affirmative vote of four Council members is required to approve a motion to reconsider the vote.
- (b) An adopted bill shall not be further considered by the Council if it has been approved by the County Executive or deemed approved by operation of Section 306 of the Charter.

4-10 Veto Overrides

- (a) When the County Executive has vetoed a bill and returned it to the Council pursuant to the Charter, the presiding officer must distribute to the Council members, the statement of the County Executive that provides the reasons for the veto. These reasons are to be entered into the Council journal.
- (b) Pursuant to the Charter, not later than the next Legislative session immediately following the receipt of any vetoed legislation, the Council may override the veto by the affirmative vote of five Council members.

4-11 Publication Following Enactment

Pursuant to the Charter, the Council must cause a fair summary of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or otherwise be published using electronic media.

CHAPTER 5 LEGISLATIVE PROCESS

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5-1 Preparation of Proposed Bills

- ~~(a) Majority vote of the Council is required to move an item forward.~~
- ~~(b) After majority of the Council votes to move an item forward, staff will prepare a draft bill.~~
- ~~(c) At an administrative session of the Council, there will be a discussion of the draft bill.~~
- ~~(d) The draft bill will be presented to the Council on a Legislative Day for consideration of adoption.~~

CHAPTER 6-5 EXECUTIVE APPOINTMENTS

6 5-1 Initial Information

- (a) As needed, the President may submit a letter to the County Executive specifying the documents, background information, and other material that the President requests accompany County Executive appointments.
- (b) At the next meeting following submission of such a letter to the County Executive, the President must distribute the letter to the Council and it must be entered in the Council journal.
- (c) If an appointment is made to the Council without the requested information, the presiding officer must submit the appointment to the Council at its next meeting with a motion to reject the appointment outright or reject the appointment “without prejudice,” as provided in these Rules.
- (d) As provided in Section 806 of the Charter, “All appointed officers and employees of the Government holding office at the Effective Date of the Charter shall continue to be employed at their existing compensation, subject, however, to the provisions of any relevant personnel laws, rules, or regulations.” No County Council action will be required for these officers and employees to continue to be employed.

6 5-2 Confirmation

- (a) The Council may proceed in considering an appointment by the County Executive in any manner it deems prudent, which may include a public hearing on the appointment. **Unless otherwise noted in a policy statement, the appointee will come before the Council in an open meeting for brief comment. Council Members may ask questions as needed.**
- (b) When the Council is ready to consider the appointment, the President is to put the question to the Council as to whether the Council should confirm or reject the appointment.

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- (c) An affirmative vote of at least four Council members is required to confirm an appointment.
- (d) Pursuant to the Charter, if the Council fails to act on an appointment within 30 days after the question of appointment has been submitted to it, the appointment stands confirmed.
- (e) Upon the confirmation or rejection of an appointment, the President must notify the County Executive as to the Council's vote.

6-3 Rejection without Prejudice

- (a) If, for any reason unrelated to the merit of an appointment in question, the Council is unwilling or unable to timely confirm the appointment, the Council may, by the affirmative vote of at least four Council members, reject an appointment "without prejudice."
- (b) Upon rejection under this Rule, the President is to notify the County Executive in writing of the Council's action. The notice must state the circumstances that prevented a timely confirmation and invite the County Executive to resubmit the appointment when these circumstances are alleviated.