

Amended:
7/11/2017

COUNTY COUNCIL OF FREDERICK COUNTY
RULES OF PROCEDURE

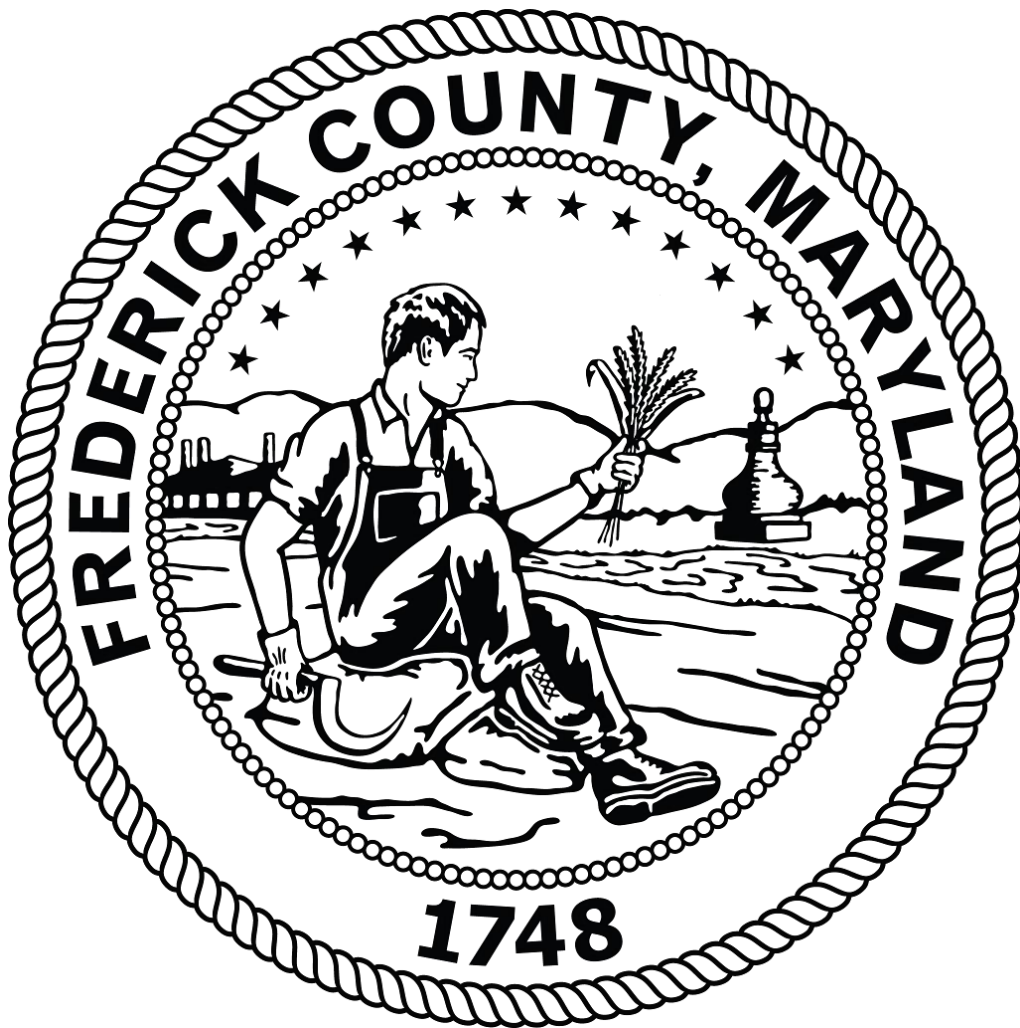


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CHAPTER 1 GENERAL PROVISIONS

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 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.

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.

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 two business days of receipt. In the event the President amends the agenda, the President will prepare and distribute a replacement agenda.

3-2 Distribution Material

Council members and/or staff should submit bills and supporting documentation to the Council Chief of Staff and President no later than one week prior to the meeting. Failure to do so may result in an item being pulled from the agenda. The President will cause to be provided to Council 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 may be designated as being introduced by the President of the County Council or any other County Council member 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. The page on which the amendment appears is to state:
 - 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

- (a) The applicable staff of the County Executive shall prepare and draft a bill for the Executive in coordination with the County Attorney.
- (b) Legislation introduced by one or more Council members shall be drafted in coordination with the County Attorney. 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.
- (c) Requests to staff to prepare an amendment to a pending Bill shall be made not later than the close of business on the third business day prior to the Council meeting date when the amendment is to be introduced.

CHAPTER 4 CONDUCT OF BUSINESS

4-1 Voting by Roll Call

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 Public and Council Comments

- (a) Public comments shall be allowed for fifteen (15) minutes at the beginning of each legislative meeting and at the end of each legislative meeting as long as is necessary. Council member comments shall be at the end of the agenda at each legislative meeting.
- (b) During the first Tuesday meeting of every month there will be an agenda item entitled “Discussion of New Business Items” where it will be possible for individual members to bring up items for discussion for possible inclusion on future agendas according to the established Rules of Procedure.
- (d) When presenting written materials to the Council during a public meeting, a minimum of ten (10) copies shall be provided to the Council and staff. If additional copies are needed, a request should be made to Council staff prior to the Council meeting to make the necessary copies for presentation.
- (d) Three council members can add an item to a future workshop agenda if the requested item includes a legislative component. Items requested must be in writing with a brief synopsis and explanation of the legislative intent.

4-3 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.

4-4 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.

4-5 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, it is requested that the County agency, board or commission conduct its 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 regardless.

4-6 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. With majority support, a bill sponsor may request a fiscal note before a bill is introduced in order to assess its feasibility.

4-7 Conduct of Public Hearings

- (a) 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 with assistance from the County Attorney or applicable staff who coordinated and/or drafted the bill.

- (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.
- (e) A Council member may not initiate discussion or engage in debate without the consent of the presiding officer.
- (f) When presenting written materials to the Council during a public hearing, a minimum of ten (10) copies shall be provided to the Council and staff. If additional copies are needed, a request should be made to Council staff shall prior to the Council meeting to make the necessary copies for presentation.

4-8 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.

4-9 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.

4-10 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.

4-11 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.

4-12 Quasi-Judicial Matters to Include Rezonings, Water & Sewer Amendments, etc.

- (a) All interested individuals who may give testimony shall be sworn in at the commencement of the quasi-judicial Council item.
- (b) The Staff Report and reviewing agency comments will be presented.
- (c) The applicant shall be given 15 minutes to make their presentation to the Council, followed by questions from the Council members along with an opportunity for cross-examination by interested parties. Council member inquiries and cross-examination shall occur after the applicant's 15 minutes presentation.
- (d) Public comment shall be 3 minutes per speaker and 10 minutes for recognized organizations. Council member questions and an opportunity for cross-examination will be permitted for each speaker.
- (e) The applicant shall have 5 minutes for rebuttal after all public comments have been received and Council member questions answered.

- (f) At the conclusion of the applicant rebuttal Council discussion will follow and Council members may request additional information to be submitted into the record and made available to all interested parties, or the Council may vote to close the record.
- (g) If the hearing is not completed or the record is not closed, the Council shall establish a date/time certain when the matter will be discussed again. After the record is closed, the Council may decide the matter – and provide direction to Staff to prepare the appropriate documentation to reflect the Council’s decision.
- (h) When Staff has completed preparation of the documentation of the Council’s decision, the item will be placed on the Council’s Agenda for signature.

CHAPTER 5 EXECUTIVE APPOINTMENTS

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.

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.
- (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.

- (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.

5-3 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.

THESE RULES WERE AMENDED AND ADOPTED ON JULY 11, 2017.