

## RUSTIC ROADS COMMISSION

**OF FREDERICK COUNTY, MARYLAND*****BYLAWS, POLICIES AND PROCEDURES*****ARTICLE I. NAME**

The name of this organization is the Rustic Roads Commission (“Commission”).

**ARTICLE II. PURPOSE**

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.

**ARTICLE III. AUTHORITY**

The authority for the Commission is derived from [Chapter 1-15, Article V](#), of the Frederick County Code, and Resolution No. 02-23 of the Board of County Commissioners (Sept. 24, 2002).

**ARTICLE IV. POWERS AND DUTIES**

Among its power and duties, 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.
- 8) When Frederick County receives a petition to open, close, or alter a Designated or Candidate Rustic Road, the petition will be submitted to the Commission for timely comment. Any comments from the Commission will be included in the staff report submitted to the County Executive and County Council.

In fulfilling its duties and responsibilities under this Article, the Commission may consult and cooperate with federal, state, county, city, town, or other governmental or public agencies, commissions, and committees, citizens, community groups, academic institutions, and other entities on matters relating to rustic roads.

## **ARTICLE V. MEMBERSHIP**

### Section 1. Composition

Members of the Commission shall have a demonstrable interest in rustic roads and relevant experience, knowledge, skills, and training that may include, but is not limited to:

- a) Civil engineering;
- b) Environmental science;
- c) Farming;
- d) Landscape architecture;
- e) Parks and recreation management;
- f) Law; and
- g) Historic preservation

### Section 2. Appointment and Terms

Up to seven (7) members shall be appointed by the County Executive, subject to confirmation by the County Council.

- a) Members will serve for a 3-year term without compensation.
- b) Members may be reappointed but may not serve more than two (2) full 3-year terms.
- c) Members initially appointed to fill a term of less than 3 years shall be eligible to serve an additional two (2) consecutive 3-year terms.
- d) Any member may resign at any time by giving written notice of such resignation to the Office of the County Executive.
- e) Any member of the Commission who shall fail to attend at least fifty percent (50%) of the meetings during any period of twelve (12) consecutive months shall be considered to have resigned.
- f) Vacancies shall be filled on the same basis as the original appointments for the unexpired terms. Members shall continue in office until their successors are appointed and qualified.
- g) A Commission member may be removed by the County Executive for cause.

## **ARTICLE VI. OFFICERS AND DUTIES**

Section 1. The officers of the Commission shall minimally consist of a Chair, a Vice Chair, and a Secretary selected by the members of the Commission. One person shall not hold more than one office at the same time.

Section 2. The officers shall have the following duties:

- a) The Chair shall preside over all meetings and act as the chief executive of the Commission.

The Chair may sign instruments, which the Commission has authorized to be executed, and shall perform all duties incident to the office of chair as may be prescribed by the Commission. The Chair or Chair's designee, in collaboration with County Staff, will develop and distribute the agenda and any materials related to Commission business five (5) days in advance of a Commission meeting.

- b) The Vice Chair shall perform the duties of the Chair in their absence, or when unable to serve.
- c) The Secretary shall, in collaboration with County Staff, shall be responsible for taking the minutes of all Commission meetings and distributing the minutes for the previous meeting at least five (5) days in advance of the next Commission meeting.
- d) At least one of the officers of the Commission must receive State-approved training on the Maryland Open Meetings Act.

Section 3. At its annual meeting in March, the members of the Commission shall select a Chair, Vice Chair, and Secretary from its membership. The Officers shall serve for a 1-year term and are limited to two (2) consecutive terms in office.

Section 4. An officer may resign their office at any time by giving written notice to the Chair of the Commission or, in the case of the resignation of the Chair, to the Vice Chair. Such resignation shall take effect at the time specified in the notice or, if no time is specified, then immediately.

Section 5. An officer may be removed as an officer, with or without cause, by a majority vote of the Commission members at any regular meeting, or at a special meeting called expressly for that purpose.

Section 6. A vacancy in any office shall be filled by a majority vote of the Commission.

## **ARTICLE VII. STAFF**

Employees of the Division of Planning and Permitting (DPP) will be assigned to serve as staff to the Commission, with a representative of the Division of Public Works assigned to the Commission for advisory purposes. In coordination with the Chair, Vice Chair, and Secretary, DPP Staff will schedule meetings, develop, and distribute agendas, and record and distribute minutes for the Commission.

## **ARTICLE VIII. MEETINGS**

Section 1. The Commission shall meet monthly at a regularly scheduled date and time. Meeting locations shall be in Frederick County, open to the public, and accessible to persons with disabilities. If the meeting is virtual, then it must be accessible to the public via a toll-free number so that members of the public can hear the meeting. In the case of a virtual meeting, a quorum will be established when a majority of Commission members are 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.

Section 2. The presence, in person or remotely, of a majority of members shall constitute a quorum for the transaction of regular business.

Section 3. 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.

Section 4. All meetings and notices shall comply with the requirements of the Maryland Open Meetings Act.

Section 5. 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.

Section 6. Meetings shall be conducted in accordance with the most recent version of Robert's Rules or Order.

Section 7. Agendas for each Commission meeting shall be developed by the Chair, Vice Chair, and designated County Staff member and provided to the members in advance of the meeting. Commission members who desire to add to the agenda should notify the Chair and Staff of their request within ten (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. The agendas will be posted to the County website before each meeting, as required by the Maryland Open Meetings Act.

Section 8. The order of business at regular meetings shall be substantially as follows.

- Call to order and establishment of a quorum
- Approval of minutes of previous meetings
- Public comment
- Old Business
- New Business
- Administrative Business
- Comments and Announcements
- Adjournment

Section 9. The minutes of all Commission meetings, including a record of those in attendance, excused and unexplained absences, shall be kept by the Secretary and/or a designated County Staff member who has been trained on the requirements of the Maryland Open Meetings Act. Copies of such minutes shall be sent to all members of the Commission prior to the next meeting. The Division of Planning and Permitting will retain the minutes for at least the minimum time-period required by the Maryland Open Meetings Act. Minutes will be posted to the FCG website following approval by the Commission.

Section 10. Recording Votes. Commission members' votes and abstentions shall be recorded on each motion by County Staff.

Section 11. Tie Votes. A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.

## **ARTICLE IX. COMMITTEES**

The Chair of the Commission may appoint standing committees and their chairpersons as needed from the membership of the Commission and shall assign the responsibilities of these committees. The Chair may also establish ad hoc committees to assist in carrying out the Commission's responsibilities. Standing and ad hoc committees may include non-members. The chairperson of a committee must be a member of the Commission duly appointed by the Chair.

## **ARTICLE X. CONDUCT OF COMMISSION MEMBERS**

Section 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 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. A member shall not speak, offer testimony, or present written or verbal comments regarding closed session items.

Section 2. Conduct at Meetings. Members shall conduct themselves at Commission meetings in a fair, understanding, and courteous manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official Commission business.

Section 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 4. Conflict of Interest. Members of the Commission shall comply with the Frederick County Ethics Ordinance (Frederick County Code, Chapter 1-7.1) and, if unclear, as interpreted by the Office of the County Attorney. In the event of a possible conflict of interest, it shall be the responsibility of the member to bring the possible or actual conflict to the attention of the Chair. In any case where there is an actual conflict of interest, the member shall be recused and shall not participate as a member in the matter and must leave the room in which the Commission is meeting.

Section 5. Ex Parte Communications.

- a) Ex Parte Communications are prohibited. An Ex Parte communication includes an oral or written communication related to the business of the Commission that occurs 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.

- b) 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.

## **ARTICLE XI. ADOPTION AND AMENDMENT OF THE BYLAWS**

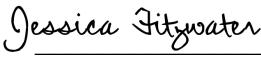
Section 1. The Bylaws and Rules of Procedure shall not take effect until ratified by a majority of the voting Commission members and approved by the County Executive.

Section 2. The Bylaws and Rules of Procedure may be amended at any meeting of the Commission by an affirmative vote of at least two-thirds (2/3) of the voting members of the Commission, provided the amendments have been submitted to the members in writing at a previous meeting and reviewed by the Office of the County Attorney.

Section 3. Copies of these Bylaws and Rules of Procedure and a list of current members shall be provided to all members and will be posted on the County website. The Bylaws and the membership lists are public records.

Section 4. 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.

Approved:

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Jessica Fitzwater  
County Executive  
Frederick County, Maryland

6/27/2024

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Date