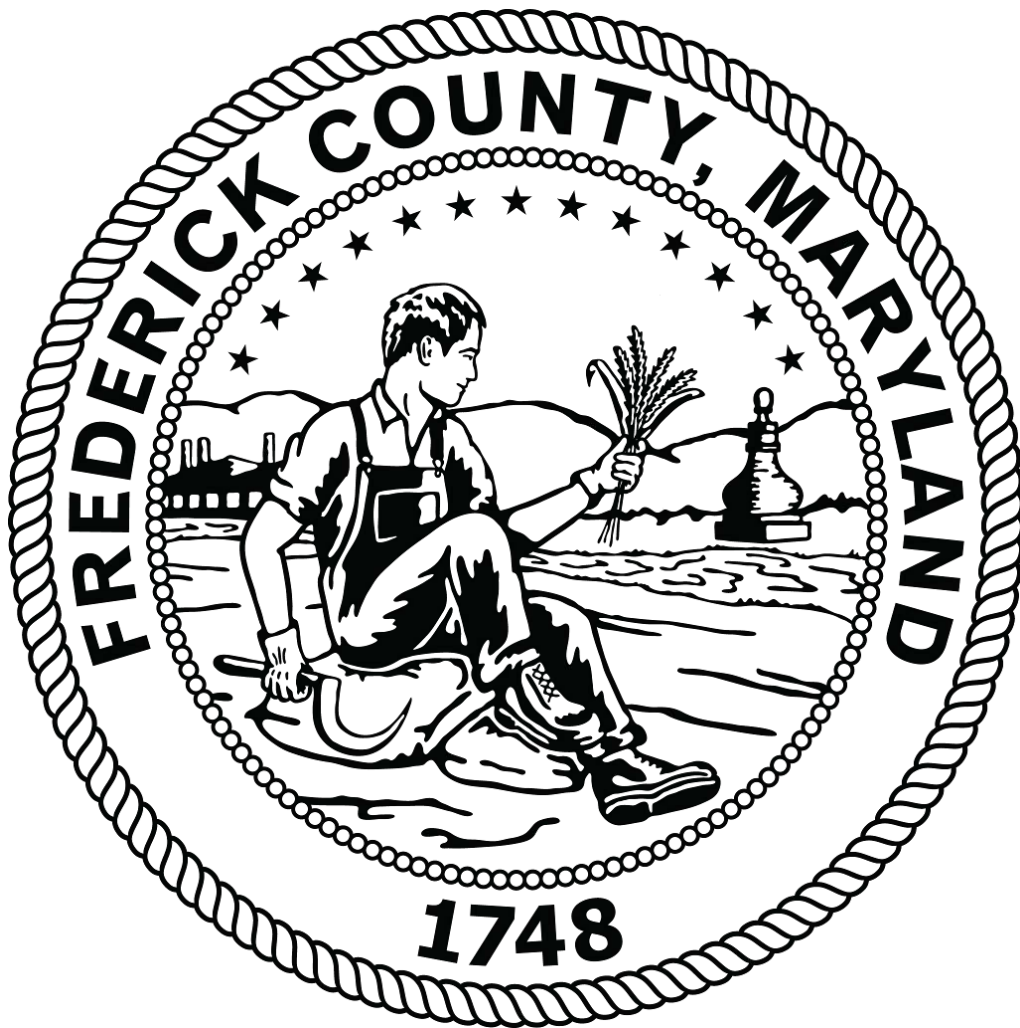


**AMENDED:**

**7/7/2020**

**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) “Member” means Council Member.
- (e) “Presiding Officer” means President of the Council or the Vice-President of the Council or other member while presiding in the President’s absence.
- (f) “County” means Frederick County, Maryland.
- (g) “Legislative activity” means activities that may result in the passage of a bill.
- (h) “Legislative Day” means 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.
- (i) “Recognized Organization” means any group that has provided to the Council all of the following: (a) a copy of its bylaws, which must be adopted at least 90 days prior to the Council meeting, and (b) a formally executed resolution from their board of directors (or similar governing body) authorizing the person(s) speaking on behalf of the organization for that matter.
- (j) “First reading” means the introduction of a new bill.
- (k) “Second reading” means a public hearing to receive comment from interested parties on a proposed bill.
- (l) “Third reading” means the process by which a bill is presented to the Council in its anticipated final form and during which the Council votes on whether the bill, as presented in its final form, passes or fails, or could be amended and scheduled for a new second reading on the amended bill.
- (m) “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.

## **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. Submitted in writing to the Council at least one meeting before it is considered; and
  - 2. 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 Council Journal**

- (a) 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.
- (b) 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.
- (c) 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.

## **2-5 Public Participation at Meetings**

- (a) At all Council meetings the Presiding Officer may provide time for members of the public to address the Council on pertinent matters. The Presiding Officer may set a time limit on public comment. Generally, individuals will have three (3) minutes for public comment; anyone representing a recognized 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.
- (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.

#### **4-2 Public and Council Comments**

- (a) Public comments will 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) The Presiding Officer may set a time limit on public comment. Generally, individuals will have three (3) minutes for public comment; anyone representing a recognized organization will have five (5) minutes for public comment.
- (c) 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.

#### **4-3 Workshops**

- (a) Workshops will be held on all legislation.



- (b) Proposed County Executive initiated bills, briefings, updates, policy reviews, etc., shall begin with a presentation by representative(s) of the Administration.
- (c) Proposed County Council Member bills, initiated briefings, updates, item discussions, etc., shall begin with a presentation prepared by the sponsoring Council Member. Additionally, the Council Member may enlist a panel of presenters at the workshop. Upon the conclusion of the presentation, the Presiding Officer will recognize the Administration for any feedback. In accordance with Frederick County Charter Section 212(b), upon the reasonable request of a Council Member, the County Executive shall designate appropriate Administration staff representation to attend the Council workshop.
- (d) Generally, public comment will be received at each workshop to be limited to the topics of the workshop.

#### **4-4 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.

#### **4-5 First Reading/Bill Introduction**

- (a) A bill is introduced by reading its title.
- (b) The bill's sponsor will provide a brief explanation of the purpose and intent of the bill.

#### **4-6 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.
- (c) 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.

#### **4-7 Second Reading/Public Hearing**

- (a) On County Executive initiated bills, representative(s) of the Administration shall present and testify as the first panel on the bill and will not have a time limit for his/her presentation.
- (b) On Council Member initiated bills, the sponsoring member shall present and testify on their bill at the beginning of the public hearing. The sponsoring member may enlist a panel of additional presenters and will not have a time limit for his/her presentation.
- (c) For Council Member bills where the Council Member collaborated with the Administration, the Council Member may enlist representative(s) from the Administration and/or other panel members to testify on the member initiated bill without a time limit on his/her presentation.
- (d) The Administration may testify on Council Member initiated bills which did not involve collaboration with the Administration, but must sign in on the public comment sheet.
- (e) The Presiding Officer may set a time limit on public comment. Generally, individuals will have three (3) minutes for public comment; anyone representing a recognized organization will have five (5) minutes for public comment.
- (f) Any Council Member, upon recognition by the presiding officer, may question any speaker or witness.
- (g) A Council Member may not initiate discussion or engage in debate without the consent of the Presiding Officer.
- (h) 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 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.

#### **4-9 Bill Amendments**

- (a) A bill may be amended any time after its public hearing.

- (b) A proposed amendment must be reduced to writing before it is adopted.

#### **4-10 Third/Final Reading**

- (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 4-12, 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.

#### **4-11 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.

#### **4-12 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.

#### **4-13 Quasi-Judicial Matters to Include Rezoning, 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, 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 staff presentation.
- (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) The Presiding Officer will 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?"
- (e) Public comment shall be three (3) minutes per speaker and ten (10) minutes for recognized organizations. Council Member questions and an opportunity for cross-examination will be permitted for each speaker.
- (f) The applicant shall have five (5) minutes for rebuttal after all public comments have been received and Council Member questions answered.
- (g) 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.
- (h) 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.
- (i) 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.

#### **4-14 Resolutions**

- a) There shall be a first reading and a final reading of each resolution; provided, however, that any resolution may be rejected upon introduction by a vote of two-thirds of the members of the council, and provided further that any resolution may be withdrawn from consideration before a vote on its final passage by a vote of a majority of the council. A resolution shall be read by short title. At any reading of a resolution other

than the first, the reading shall be by short title. A public hearing may be held on resolutions at the direction of the president or by motion approved by a majority of the council.

- b) Vote on final passage shall be at the next regularly scheduled council meeting, unless a majority of the members vote to hold the vote on final passage immediately following the public hearing. Vote on final passage shall be on roll call by the yeas and nays, and a majority of the votes of the members shall be necessary to pass the resolution. An enrolled copy shall be prepared after final passage and certified a true copy by the chief of staff. On enrolling, the chief of staff shall have authority to correct obvious errors in section references and numbers, capitalization, spelling, grammar, headings and similar matters.
- c) A resolution takes effect on adoption unless the resolution specifies a different date.
- d) Notwithstanding the above, resolutions for water and sewerage plan amendments or solid waste management plan amendments may be introduced and adopted on the same day as the public hearing for these items.

## **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."
- (a) 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 DECEMBER 18, 2018 AND ON JULY 7, 2020.