

Clerk's Note: Amended by Resolution No. 17-40, February 8, 2011.

Resolution No.:	<u>16-59</u>
Introduced:	<u>February 6, 2007</u>
Adopted:	<u>February 27, 2007</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amendments to County Council Rules of Procedure

Background

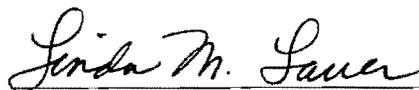
1. Section 116 of the County Charter authorizes the County Council to adopt its own Rules of Procedure.
2. Rule 2(d) allows the Council to amend its Rules by resolution adopted by a majority vote in the first 90 days after taking office.
3. The Council most recently amended its Rules on November 14, 2000, by Resolution 14-685.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council amends its Rules of Procedure as shown on the attachment to this resolution.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Rules of Procedure

Rule 1. General provisions.

- (a) **Failure to follow the Rules of Procedure.** A Council action that is otherwise valid [is] does not become invalid because [of any failure to] the Council or any person did not follow these Rules or Robert's Rules of Order.

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(h) **Presiding officer.**

- (1) **Presiding and points of order.** The President presides at Council meetings and decides all points of order.
- (2) **Appeal.** All presidential decisions provided for in these Rules and Robert's Rules of Order can be appealed, and on appeal may be reversed by majority vote.
- (3) **Delegation of authority.** Unless any law or these Rules specify otherwise, the President may delegate any function assigned to the President under these Rules to another Councilmember or the Council staff. The President by a memorandum to the Council Clerk may designate one or more Councilmembers in succession as acting President to sign any legislation enacted by the Council when the President and Vice-President are not available.

- (i) **Absence of presiding officer.** In the absence of the President, the Vice-President presides. In the absence of the President and the Vice-President, and if the Council has not previously elected a President pro tempore, the most recent past President in attendance presides. If no past President is available [and the Council previously has not elected a President pro tempore], the Councilmembers present must select a President pro tempore to preside at that meeting.

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Rule 4. Public hearing notice requirements.

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- (c) **Public notice on emergency matters.** If a public hearing will be held on an emergency matter, the President must:
- (1) (A) publish an advertisement of the public hearing as required under subsection (b), if possible; or

- (B) inform the news media in writing of the public hearing if notice under subsection (b) is not possible; and
- (2) make copies of the proposed emergency matter available to the public and the news media[; and].
- [(3) publish the title or summary of any emergency legislation or ordinance once in a newspaper circulated throughout the County within a reasonable time after enactment.]

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Rule 6. Legislation.

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- [(i) **Economic Impact Statement.** Before the Council advertises a public hearing on any legislation creating a new tax or fee, the Council staff must make available to the Council and the public an economic impact statement. The statement must identify the anticipated revenues for the first 6 years the tax or fee is in effect and the persons on whom the burden of the new tax or fee is ultimately expected to fall, either directly or indirectly. An economic impact statement is not required for legislation that amends a tax or fee already established by law unless the Council did not receive such a statement when the law establishing the tax or fee was enacted or most recently amended.]
- [(j)] (i) **Expiration of a law.** The [President] Council Clerk must annually [circulates] circulate to each Councilmember and the County Executive a list of each provision of the [Montgomery] County Code that has a fixed expiration date, and [[submits]] submit the list for publication in the [Montgomery] County Register. The [President also informs] Clerk also must inform each Councilmember and the County Executive in writing of the pending expiration of a law or a significant provision of a law 14 months before the law or provision is scheduled to expire. [If within 30 days after the notice of expiration is sent no Councilmember has indicated an intent to introduce legislation to extend a law or provision that is scheduled to expire, the President refers the issue of continuing the law or provision to an appropriate Council committee.]
- [(k)] (j) **Committee amendments.** If a Council Committee to which a bill was referred recommends that the bill be enacted with amendments, the Council must first consider the bill as amended

by the Committee. The motion on the floor is the Committee's motion to enact the bill as amended by the Committee. At that point a Councilmember may move to amend the Committee bill, including a motion to enact the bill as originally introduced, remand the bill to the same or another Committee, or take any other action regarding the bill.

Rule 9. Procedure during public hearing.

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- (h) **Continuing or postponing a public hearing.** A public hearing may be postponed or continued without further published notice if, after the required notice of the hearing has been published, either:
- (1) at the time and place for which notice [originally] was given, the presiding officer specifies [the time] when and [place] where the hearing will convene or reconvene; or
 - (2) before the hearing was scheduled to be held, the presiding officer has:
 - (A) informed each person who signed up to testify when and where the hearing will convene or reconvene;
 - (B) inserted in the Council's printed agenda or an addendum to the agenda when and where the hearing will convene or reconvene, or posted when and where the hearing will convene or reconvene at the place where notices of Council meetings are posted; and
 - (C) specified on the Council web site when and where the hearing will convene or reconvene.

If severe weather conditions or another emergency require the Council to postpone a hearing, the presiding officer may do so before the hearing is held without giving one or more of the notices required by this subsection. In that case, the President must readvertise the hearing as required by Rule 4 unless the original advertisement specified when and where a postponed hearing would be held.