

Bill No. 2-05
Concerning: Boards, Committees, and
Commissions - General Provisions
Revised: 9-19-05 Draft No. 5
Introduced: February 1, 2005
Enacted: September 27, 2005
Executive: October 7, 2005
Effective: January 6, 2006
Sunset Date: None
Ch. 23, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner and Leventhal

AN ACT to:

- (1) allow certain members of boards, committees, and commissions who are compensated for their service to be reimbursed for certain expenses;
- [[~~(2)~~] enact standards for creating and continuing boards, committees, and commissions;]]
- [[~~(3)~~] require certain boards, committees, and commissions to be terminated by operation of law without further legislative action;]]
- [[~~(4)~~] (2) revise the standards and process for appointing and removing members of boards, committees, and commissions; and
- [[~~(5)~~] (3) generally amend the laws governing County boards, committees, and commissions.

By amending

Montgomery County Code
Chapter 2, Administration
Sections 2-145 through 2-148

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

- 26 (2) the appointing authority terminates the committee because the
 27 committee has:
 28 (A) completed its task, or
 29 (B) not achieved the purpose for which the committee was
 30 created; or
 31 (3) the appointing authority continues the committee for another 5
 32 year term.]]

33 [[b) When establishing or continuing a committee, the appointing authority
 34 must:

- 35 (1) explain why the committee is needed;
 36 (2) explain why government staff or another existing committee
 37 cannot perform the functions of the proposed committee; and
 38 (3) if an existing committee would be continued, describe the major
 39 activities the committee has engaged in and how those activities
 40 have furthered the committee's goals.]]

41 [[c) If a new committee would be created, the appointing authority must
 42 specify:

- 43 (A) the objectives and scope of the proposed committee;
 44 (B) to whom the committee will report;
 45 (C) the County agency responsible for staff support;
 46 (D) the specific duties of the committee
 47 (E) the estimated annual costs in both dollars and man-hours
 48 required to operate the committee;
 49 (F) the estimated frequency of meetings; and
 50 (G) a membership plan designed to ensure adequate, balanced
 51 representation.]]

52 [[d)] (b) Any new committee should have from 5 to 15 voting members.

53 [(b)] ~~[(e)]~~ (c) The County Executive must appoint and convene at least every
54 10 years, subject to confirmation by the Council, a citizens review
55 committee comprised of no fewer than 11 members. [which] This
56 committee must review the committee system and each then-existing
57 committee and report to the Executive and Council its recommendations
58 for changes in individual committees and the committee system as a
59 whole. The County Executive must designate the review committee's
60 chair and vice-chair.

61 **2-147. Committee reports; by-laws.**

62 (a) The law or resolution establishing a committee should specify the dates
63 when reports are due from the committee and the subjects to be included
64 in the reports. Each committee must submit a written report, at least
65 annually, to the Executive and Council containing a description of the
66 committee's functions, activities, accomplishments, plans and
67 objectives, including recommendations for changes in committee
68 functions.

69 (b) The Chief Administrative Officer may prescribe a format to be followed
70 by committees in [making a] their annual report.

71 (c) The Chief Administrative Officer may adopt binding guidelines,
72 consistent with law, for the organizational structure and internal
73 procedures of committees in the Executive branch of County
74 government.

75 (d) When any committee in the Executive branch adopts by-laws or any
76 other form of internal procedures, the Chief Administrative Officer must
77 send a copy to the Council.

78 **2-148. Appointments and removals [for absenteeism].**

79 (a) Appointments.

- 80 (1) In making appointments to committees, the appointing authority
81 should consider the following criteria: interest, diversity of
82 background and professions, relevant experience and expertise,
83 and geographic balance. To promote broad participation, no
84 individual should ordinarily serve more than 2 consecutive full
85 terms or serve on more than ~~[[2 committees]]~~ one committee at
86 any one time. However, an individual may serve on more than
87 one committee at the same time if the law that created a
88 committee requires or allows a member of that committee to be
89 selected from members of another County committee.
- 90 (2) Any individual who has served 2 full terms on a committee is not
91 eligible to serve on the same committee ~~[[for 3 years]]~~ until one
92 year has elapsed. The appointing authority may waive this
93 restriction if:
- 94 (A) no other qualified applicant is available; or
95 (B) other unique circumstances justify the reappointment of
96 the particular individual.
- 97 [(b)] ~~[[2]]~~ (3) Unless another term is established by the law,
98 resolution, or executive order creating the committee, the
99 standard term for each appointment is 3 years, after any initial
100 staggered term.
- 101 (4) A member must not continue to serve on a committee after the
102 member's term has expired, and a successor has not been
103 appointed and confirmed, for more than 6 months unless:
- 104 (A) another law expressly authorizes the member to serve
105 longer; or

106 (B) the Executive has notified the Council why the member
 107 will continue to serve on the committee.

108 [(c)] (b) *Removal for absenteeism.*

109 (1) [Unless the law provides another method to remove members, a
 110 member of a committee who is absent from 25 percent or more of
 111 the schedule meetings or hearings during any 6 month period has
 112 resigned from the committee.] A member of a committee who
 113 misses more scheduled meetings or hearings than the number of
 114 allowed absences, computed by the following table, or who
 115 misses 3 consecutive scheduled meetings, is automatically
 116 removed. [Scheduled meetings or hearings mean meetings or
 117 hearings] Scheduled meeting or hearing means any meeting or
 118 hearing for which at least 7 days advance notice was given and
 119 which was held as scheduled.

<u>Number of Meetings</u> <u>Held in One Year</u>	<u>Allowed</u> <u>Absences</u>
<u>1-4</u>	<u>1</u>
<u>5-8</u>	<u>2</u>
<u>9-12</u>	<u>3</u>
<u>13-16</u>	<u>4</u>
<u>17+</u>	<u>5</u>

120 (2) [Resignation] An automatic removal under this subsection takes
 121 effect 30 days after the presiding officer notifies the appointing
 122 authority. The presiding officer of the committee must promptly
 123 notify the appointing authority of any member who has [resigned
 124 through absence] been automatically removed and must explain
 125 any known extenuating circumstances. The presiding officer

126 should send a copy of the notice to each member of the
 127 committee.

128 (3) The appointing authority, on request of the affected member, may
 129 waive the [resignation] removal for illness, emergency or other
 130 good cause. The appointing authority must notify the member
 131 whether a waiver has been granted.

132 (4) If a waiver has not been granted, the appointing authority must
 133 appoint a successor to complete the unexpired term, subject to
 134 Council confirmation if the original appointment was subject to
 135 Council confirmation.

136 (c) Other causes for removal.

137 (1) The appointing authority may remove a committee member for:

138 (A) neglect of duty;

139 (B) misconduct in office;

140 (C) a [[disability that renders the member unable]] member's
 141 inability to perform the duties of the office;

142 (D) conduct that impairs a member from performing the duties
 143 of the office; or

144 (E) violation of law.

145 (2) [[When a majority of a committee so requests, the appointing
 146 authority may remove a member for any reason stated in
 147 paragraph (1).]]

148 [[3]] Before a member is removed, the appointing authority must:

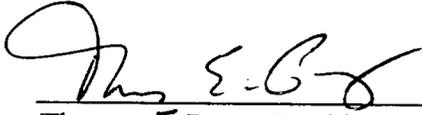
149 (A) notify the member in writing of the reason for removal;
 150 and

151 (B) give the member an opportunity to [[be heard]] submit
 52 reasons why the member should not be removed.

153 (3) If any other provision of law requires the Council's approval
154 before a member is removed, that provision applies to a removal
155 under this Section.

156 (4) If Council approval is not required before a member is removed,
157 the appointing authority must notify the Council before the
158 removal takes effect.

159 *Approved:*

160 
161 _____ 9/29/05
Thomas E. Perez, President, County Council Date

162 *Approved:*

163 
164 _____ 10/2/05
Douglas M. Duncan, County Executive Date

65 *This is a correct copy of Council action.*

166 
167 _____ 10/10/05
Linda M. Lauer, Clerk of the Council Date