

Bill No. 3-16  
Concerning: Administration – Boards,  
Committees, and Commissions –  
General Amendments  
Revised: April 4, 2016 Draft No. 2  
Introduced: March 1, 2016  
Enacted: April 12, 2016  
Executive: April 20, 2016  
Effective: July 20, 2016  
Sunset Date: None  
Ch. 11, Laws of Mont. Co. 2016

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Government Operations and Fiscal Policy Committee

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**AN ACT** to:

- (1) define a board, committee, commission, and task force;
  - (2) require an Evaluation and Review Committee to be appointed every ~~[[5]]~~ 6 years;
  - (3) establish a standard due date for annual reports from a board, committee, commission, and task force;
  - (4) require a member to complete training on the Maryland Open Meetings Act and basic parliamentary procedure; and
- ~~[[4]]~~ (5) generally amend the law governing the appointment and operation of boards, committees, commissions, and task forces that operate as part of the County government.

By amending

Montgomery County Code  
Chapter 2, Administration  
Sections 2-141, 2-142, 2-144, 2-145, 2-146, [[and]] 2-147, and 2-148

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

1           **Sec. 1. Sections 2-141, 2-142, 2-144, 2-145, 2-146, [[and]] 2-147, and 2-148**  
 2 **are amended as follows:**

3 **2-141. Scope of article.**

4           It is the intent of the council to establish a uniform system for classifying all  
 5 ~~[[committees]]~~ groups of the county government and for prescribing procedures for  
 6 their operation. This article ~~[[shall]]~~ must therefore apply to all existing and newly  
 7 created ~~[[committees]]~~ groups which function as a part of the county government,  
 8 including all ~~[[committees]]~~ groups established by law, resolution, and executive  
 9 order. Wherever a conflict exists between this article and state law, the state law  
 10 ~~[[shall]]~~ must control. It is the intent of the council that any substantive law which  
 11 creates a ~~[[committee]]~~ group covered by this act shall not be diminished or the  
 12 ~~[[committee's]]~~ group's responsibilities reduced in any manner whatsoever.  
 13 Wherever a conflict exists between this article and existing county law, the prior  
 14 county law shall control.

15 **2-142. Definitions.**

16           ~~[[a]]~~ The following terms wherever used or referred to in this article shall have  
 17 the following meanings:

18           Board means a semi-autonomous body established by federal, state or  
 19 county law. A board is a formal committee with structure, duties and  
 20 powers established by law. A board usually performs a quasi-judicial  
 21 function, licensing, or regulation.

22           Commission means a body established by local law to study and  
 23 recommend action to the Executive or the Council. A commission is a  
 24 formal, standing committee with structure, duties and powers established  
 25 by law. A commission often has an administrative or functional  
 26 responsibility, such as reviewing land use plans or studying the supply of  
 27 low and moderate priced housing.

28        [(b)] *Committee* [: Any board, committee, commission or similar body  
 29        established by county law, resolution or executive order, which functions  
 30        as a part of the county government] means a body appointed with a  
 31        specific task or function. A committee makes recommendations and  
 32        forwards them for appropriate action. A committee is advisory in nature  
 33        and can be either a formal (standing) committee established by law or  
 34        resolution, or an informal (ad hoc) committee. A committee may oversee  
 35        and advise in service areas, such as housing and transportation, or it may  
 36        advise the Executive or Council on specific issues and recommend policy  
 37        direction..

38        [(c)] *Compensation* [: Payment] means payment for services rendered as a  
 39        committee member; it shall not include reimbursement for actual  
 40        expenses incurred as a committee member.

41        Group means any board, committee, commission, task force, or any  
 42        similar body established by federal, state, or county law, resolution or  
 43        executive order, which functions as a part of the County government.

44        Task Force means a body appointed to study or work on a particular  
 45        subject or problem. A task force ceases to exist upon completion of its  
 46        charge.

47        **2-144. Budget.**

48        Each [[committee's]] group's staff and yearly allocation of funds, if any,  
 49        [[shall]] must be indicated in the budget and no [[committee shall]] group must  
 50        spend more than its budgeted amount. The appointing authorities [[shall]] must  
 51        furnish such staff support as deemed necessary for each [[committee]] group which  
 52        does not have its own staff provided for in the budget.

53        **2-145. Compensation; reimbursement.**

- 54 (a) Unless a law expressly precludes compensation, the Council may  
 55 establish compensation for members of a particular [[committee]]  
 56 group by an appropriation that funds a line item in the budget. An  
 57 appropriation may establish levels of compensation by categories or  
 58 subcategories or [[committees]] groups.
- 59 (b) Unless another method of compensation is established, a [[committee]]  
 60 group member is compensated for each day that the member works on  
 61 [[committee]] group business after the member is authorized to do the  
 62 work by the [[committee]] group or the presiding officer of the  
 63 [[committee]] group.
- 64 (c) Whether or not a [[committee]] group member is compensated for  
 65 serving on the [[committee]] group, the member may request  
 66 reimbursement for travel and dependent care. The rate of  
 67 reimbursement is established in an appropriation.
- 68 (d) A [[committee]] group member must not be compensated or  
 69 reimbursed for travel or childcare expenses if appropriated funds are  
 70 not available.

71 **2-146. Terms of boards, committees, commissions, and task forces.**

- 72 (a) The law, resolution, or executive order establishing or continuing any  
 73 board, committee, commission, or task force should specify the term of  
 74 the [committee's] group's existence. If no term is specified, then the  
 75 board, committee, commission, or task force continues until terminated.  
 76 The County Executive should monitor the expiration date of those boards,  
 77 committees, commissions, and task forces that the County Executive  
 78 appoints. The County Council should monitor the expiration date of those  
 79 boards, committees, commissions, and task forces that the County  
 80 Council appoints.

81 (b) Any new board, committee, commission, or task force should have from  
 82 5 to 15 voting members.

83 (c) *[Committee] Evaluation and Review Board Committee.*

84 (1) The County Executive must appoint and convene at least every  
 85 ~~[10]~~ ~~[[5]]~~ 6 years, subject to confirmation by the Council, a citizens  
 86 review committee comprised of at least 11 members.

87 (2) The Committee must review the ~~[committee]~~ group system and  
 88 each then-existing board, committee, commission, and task force  
 89 and report to the Executive and Council its recommendations for  
 90 changes in individual boards, committees, commissions, and task  
 91 forces and the ~~[committee]~~ group system as a whole. The  
 92 Committee must submit an interim report to the Executive and  
 93 Council within 6 months of appointment and submit a final report  
 94 within 12 months of appointment.

95 (3) The County Executive must designate the review committee's  
 96 chair and vice-chair.

97 **2-147. ~~[Committee]~~ Group reports; by-laws.**

98 (a) The law or resolution establishing a board, committee, commission, or  
 99 task force ~~[should]~~ may specify the dates when reports are due from the  
 100 ~~[committee]~~ group and the subjects to be included in the reports. If the  
 101 law or resolution is silent on the dates when reports are due, the board,  
 102 committee, commission, or task force must submit an annual report on  
 103 November 30 of each year [Each committee must submit a written report,  
 104 at least annually,] to the Executive and Council containing a description  
 105 of the ~~[committee's]~~ group's functions, activities, accomplishments, plans  
 106 and objectives, including recommendations for changes in ~~[committee]~~  
 107 group functions.

- 108 (b) The Chief Administrative Officer may prescribe a format to be followed  
 109 by [committees] groups in their annual report.
- 110 (c) The Chief Administrative Officer may adopt binding guidelines,  
 111 consistent with law, for the organizational structure and internal  
 112 procedures of [committees] groups in the Executive branch of County  
 113 government.
- 114 (d) When any [committee] group in the Executive branch adopts by-laws or  
 115 any other form of internal procedures, the Chief Administrative Officer  
 116 must send a copy to the Council.

117 **2-148. Appointments, ~~[[and]]~~ removals, and training.**

118 (a) *Appointments.*

- 119 (1) In making appointments to ~~[[committees]]~~ groups, the  
 120 appointing authority should consider the following criteria:  
 121 interest, diversity of background and professions, relevant  
 122 experience and expertise, and geographic balance. To promote  
 123 broad participation, no individual should ordinarily serve more  
 124 than 2 consecutive full terms or serve on more than one  
 125 ~~[[committee]]~~ group at any one time. However, an individual  
 126 may serve on more than one ~~[[committee]]~~ group at the same  
 127 time if the law that created a committee requires or allows a  
 128 member of that ~~[[committee]]~~ group to be selected from  
 129 members of another County ~~[[committee]]~~ group.
- 130 (2) Any individual who has served 2 full terms on a ~~[[committee]]~~  
 131 group is not eligible to serve on the same ~~[[committee]]~~ group  
 132 until one year has elapsed. The appointing authority may waive  
 133 this restriction if:  
 134 (A) no other qualified applicant is available; or

135 (B) other unique circumstances justify the reappointment of  
 136 the particular individual.

137 (3) Unless another term is established by the law, resolution, or  
 138 executive order creating the [[committee]] group, the standard  
 139 term for each appointment is 3 years, after any initial staggered  
 140 term.

141 (4) A member must not continue to serve on a [[committee]] group  
 142 after the member's term has expired, and a successor has not  
 143 been appointed and confirmed, for more than 6 months unless:

144 (A) another law expressly authorizes the member to serve  
 145 longer; or

146 (B) the Executive has notified the Council why the member  
 147 will continue to serve on the [[committee]] group.

148 (b) *Removal for absenteeism.*

149 (1) A member of a [[committee]] group who misses more scheduled  
 150 meetings or hearings than the number of allowed absences,  
 151 computed by the following table, or who misses 3 consecutive  
 152 scheduled meetings, is automatically removed. Scheduled  
 153 meeting or hearing means any meeting or hearing for which at  
 154 least 7 days advance notice was given and which was held as  
 155 scheduled

156 \* \* \*

157  
 158 (2) An automatic removal under this subsection takes effect 30 days  
 159 after the presiding officer notifies the appointing authority. The  
 160 presiding officer of the [[committee]] group must promptly  
 161 notify the appointing authority of any member who has been

162 automatically removed and must explain any known extenuating  
 163 circumstances. The presiding officer should send a copy of the  
 164 notice to each member of the [[committee]] group.

165 (3) The appointing authority, on request of the affected member,  
 166 may waive the removal for illness, emergency or other good  
 167 cause. The appointing authority must notify the member whether  
 168 a waiver has been granted.

169 (4) If a waiver has not been granted, the appointing authority must  
 170 appoint a successor to complete the unexpired term, subject to  
 171 Council confirmation if the original appointment was subject to  
 172 Council confirmation.

173 (c) *Other causes for removal.*

174 (1) The appointing authority may remove a [[committee]] group  
 175 member for:

176 (A) neglect of duty;

177 (B) misconduct in office;

178 (C) a member's inability to perform the duties of the office;

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

181 (E) violation of law.

182 (2) Before a member is removed, the appointing authority must:

183 (A) notify the member in writing of the reason for removal;  
 184 and

185 (B) give the member an opportunity to submit reasons why the  
 186 member should not be removed.

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

190 (4) If Council approval is not required before a member is removed,  
191 the appointing authority must notify the Council before the  
192 removal takes effect.

193 (d) Each member of a group must complete training on the Maryland Open  
194 Meetings Act and basic parliamentary procedure. The Executive must  
195 establish standards for this training by method 2 regulation.

196 **2-149. Procedures at meetings.**

197 Unless a ~~[[committee]]~~ group meeting is subject to Chapter 2A, a meeting  
198 may be conducted informally. The parliamentary procedures of Robert's Rules of  
199 Order govern when it is necessary to take formal action or decide controversial  
200 matters. ~~[[Committee]]~~ Group meetings must be open to the public in accordance  
201 with the state open meetings law.

202 **Sec. 2. Transition.**

203 Any group created by law, resolution, or executive order after this Act takes  
204 effect must be classified as either a board, committee, commission, or task force. This  
205 Act must not be construed to require the renaming of any group that existed before this  
206 Act takes effect.

207

208 *Approved:*

209 *Nancy Floreen* *April 13, 2016*  
Nancy Floreen, President, County Council Date

210 *Approved:*

211 *Isiah Leggett* *April 20, 2016*  
Isiah Leggett, County Executive Date

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

213 *Linda M. Lauer* *April 20, 2016*  
Linda M. Lauer, Clerk of the Council Date