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**

Lead Sponsor: Government Operations and Fiscal Policy Committee

**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

**Boldface** *Heading or defined term.*

Underlining *Added to existing law by original bill.*

**[**Single boldface brackets**]** *Deleted from existing law by original bill.*

Double underlining *Added by amendment.*

**[[**Double boldface brackets**]]** *Deleted from existing law or the bill by amendment.*

\* \* \* *Existing law unaffected by bill.*

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

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

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

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

**2-142. Definitions.**

**[**(a)**]** The following terms wherever used or referred to in this article shall have the following meanings:

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

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

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

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

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

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

**2-144. Budget.**

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

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

(a) Unless a law expressly precludes compensation, the Council may establish compensation for members of a particular **[[**committee**]]** group by an appropriation that funds a line item in the budget. An appropriation may establish levels of compensation by categories or subcategories or **[[**committees**]]** groups.

(b) Unless another method of compensation is established, a **[[**committee**]]** group member is compensated for each day that the member works on **[[**committee**]]** group business after the member is authorized to do the work by the **[[**committee**]]** group or the presiding officer of the **[[**committee**]]** group.

(c) Whether or not a **[[**committee**]]** group member is compensated for serving on the **[[**committee**]]** group, the member may request reimbursement for travel and dependent care. The rate of reimbursement is established in an appropriation.

(d) A **[[**committee**]]** group member must not be compensated or reimbursed for travel or childcare expenses if appropriated funds are not available.

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

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

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

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

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

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

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

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

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

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

(c) The Chief Administrative Officer may adopt binding guidelines, consistent with law, for the organizational structure and internal procedures of **[**committees**]** groups in the Executive branch of County government.

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

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

(a) *Appointments*.

(1) In making appointments to **[[**committees**]]** groups, the appointing authority should consider the following criteria: interest, diversity of background and professions, relevant experience and expertise, and geographic balance. To promote broad participation, no individual should ordinarily serve more than 2 consecutive full terms or serve on more than one **[[**committee**]]** group at any one time. However, an individual may serve on more than one **[[**committee**]]** group at the same time if the law that created a committee requires or allows a member of that **[[**committee**]]** group to be selected from members of another County **[[**committee**]]** group.

(2) Any individual who has served 2 full terms on a **[[**committee**]]** group is not eligible to serve on the same **[[**committee**]]** group until one year has elapsed. The appointing authority may waive this restriction if:

(A) no other qualified applicant is available; or

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

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

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

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

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

(b) *Removal for absenteeism.*

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

\* \* \*

(2) An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the **[[**committee**]]** group must promptly notify the appointing authority of any member who has been automatically removed and must explain any known extenuating circumstances. The presiding officer should send a copy of the notice to each member of the **[[**committee**]]** group.

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

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

(c) *Other causes for removal*.

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

(A) neglect of duty;

(B) misconduct in office;

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

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

(E) violation of law.

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

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

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

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

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

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

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

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

**Sec. 2. Transition.**

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

*Approved:*

/s/ 4/13/16

Nancy Floreen, President, County Council Date

*Approved:*

/s/ 4/20/16

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ 4/20/16

Linda M. Lauer, Clerk of the Council Date