Resolution No.: 18-49
Introduced: January 20, 2015
Adopted: January 27, 2015

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Amendments to County Council of Procedures

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 February 8, 2011, by Resolution 17-40.

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

Linda M. Lauer, Clerk of the Council

Rule 1. General provisions.

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

(b) **Robert's Rules of Order.** In all matters not provided for in these Rules, the latest published edition of Robert's Rules of Order governs.

(c) **Definitions.**

(1) **Meeting.** A meeting is a convening of a quorum of the Council as defined in the State open meetings law.[1] A meeting includes a legislative session, a session of the District Council, a meeting as the County Board of Health, a nonlegislative session, and a worksession.

(2) **Quorum.** A quorum [for] of a Council meeting is the presence of a majority of the Councilmembers in office. A quorum of a Committee meeting is the presence of a majority of the members of that Committee. A quorum of a joint Committee meeting is the presence of a majority of the members of each Committee that makes up the joint Committee.

(3) **Majority.** Unless otherwise specified in law or these Rules, a majority of the Council, a Council Committee, or a joint Committee, means a majority of the Councilmembers present who vote in the affirmative and in the negative on a matter. For the purpose of determining a majority, an abstention is not a vote.

(d) **Closed meetings.** At the direction of a majority of the Council, a meeting may be closed to the public only for any reason allowed in the State open meetings law.[2] Any closed meeting, except a meeting that is closed to discuss a personnel issue, may be attended by any Councilmember, confidential aide to a Councilmember, Council staff attorney, and other appropriate Council professional staff member unless the Council expressly further restricts attendance. A Councilmember or authorized Council staff member must not be required to sign a confidentiality or nondisclosure agreement as a condition of attending a closed Council meeting.

(e) **Roll call vote.** When a roll call is required by law or these Rules or requested by a Councilmember, Councilmembers vote in an order decided by the President with Council concurrence. The President votes last.

(f) **Media coverage of meetings and public hearings.** Radio, television, and press coverage of Council meetings, Council committee meetings, and public hearings is allowed, unless the meeting is otherwise closed under these Rules. Members of the electronic and print media must observe order and decorum in keeping with the dignity of the governmental process, and must refrain from interfering with this process. The President or a majority of the Council may regulate the use of radio and television equipment to minimize interference with the meeting or hearing.

(g) **Election of Council officers.** The Council elects a Council President, a Council Vice-President, and other officers as the Council desires.

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[1] Maryland Code, [State Government] General Provisions Article §[10-502] 3-101(g).

[2] Maryland Code, [State Government] General Provisions Article §§[10-508(a)(1) to (14); 10-502] 3-305(b)(1)-(14).

(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, the Councilmembers present must select a President pro tempore to preside at that meeting.

(j) **Recognition of Councilmembers.** A Councilmember must not speak on a matter until recognized by the President. The President must recognize a Councilmember who desires to speak unless recognition is improper under these Rules. If 2 or more Councilmembers seek to be recognized at the same time, [then] the President [selects] must select the member who will speak first. After each Councilmember has had a reasonable opportunity to speak on a matter, the President may limit further discussion as necessary to conform to the Council's agenda.

Rule 2. Suspension and amendment of the Rules.

(a) **Suspension of Rules.** The Rules of Procedure must not be amended or repealed while a suspension of the Rules is in effect. These Rules or Robert's Rules of Order are suspended in whole or in part if:

(1) two-thirds of the Councilmembers in office vote to suspend a specific Rule or group of Rules;

(2) for each matter considered during suspension, the Rules receive a separate suspension; and

(3) suspension of the Rules does not violate an applicable law.

(b) **Rules not subject to suspension.** This Rule, Rule 1(d), and Rule 10(e) must not be suspended.

(c) **Amendment of these Rules.** The County Council may amend these Rules by resolution. A resolution to amend these Rules must be introduced to the Council in writing at least one week before the resolution is considered for adoption. Adoption of the resolution requires a vote of two-thirds of the Councilmembers in office, except as provided in subsection (d). The resolution must contain the full text of the proposed amendments.

(d) **Subsequent Council.** The Rules in effect when the term of the previous Council ended continue in effect until amended, suspended or repealed. When a new Council takes

office, it may amend or repeal these Rules by a majority vote in the first 90 days after taking office.

Rule 3. Appointment process.

(a) **Advertisement and solicitation.**

(1) **Council appointments.** The County Council must publish notice of and solicit applications for any vacancy that exists on any board, committee, or commission that is appointed by the [County] Council.

(2) **Executive appointments.** The [County] Council must not consider for confirmation an appointment by the County Executive to any board, committee, and commission unless, when the vacancy exists, the County Executive publishes notice of the vacancy and solicits applications to fill the vacancy.

(3) **Waiver.** Advertisement and solicitation requirements may be waived on a case-by-case basis. A majority of the Council may waive the requirements for Council appointments. The County Executive with the agreement of a majority of the Council may waive the requirements for Executive appointments.

(b) **Interviews.** Councilmembers must be afforded an opportunity to interview each County Executive [or Council] nominee <u>or potential Council appointee</u> before the Council acts on the appointment.

(c) **County employees.** Subsections (a) and (b) do not apply to any position on a board, committee, or commission that must be filled by an employee representing a County department, office, or agency, as a law, resolution, or executive order provides.

(d) **Definition.** [Boards, committees, and commissions include] <u>Board, committee, or commission includes</u> any multi-member body established by law, resolution, or executive order to assist the County Government in carrying out its [responsibilities] <u>duties</u>.

(e) **Publication.** The name of each appointee should be published at least one week before confirmation.

Rule 4. Public hearing notice requirements.

(a) **Advertisement requirements.** Unless any law requires the Council to set the date of a public hearing, the President may set the date and time of any public hearing and must advertise each public hearing as provided in this section.

(1) The advertisement for a public hearing on all matters must include:

(A) the time and place of the public hearing;

(B) the place where members of the public may obtain a copy of the materials to be discussed at the public hearing;

(C) how to register to speak at the public hearing; and

(D) any other information required by law.

(2) The advertisement for a public hearing on legislation or a zoning text amendment must include the title or summary of the proposed legislation or text amendment.

(3) The advertisement for a public hearing on matters other than legislation must include the generic title and subject matter of the public hearing.

(b) **Publication requirements.** Before a public hearing, the President must publish the advertisement of the public hearing at least once in one newspaper circulated throughout the County. The number of days that advance notice is required, the number of newspapers in which the notice must appear, and the number of consecutive weeks that the notice must appear is established by law. Unless the time is otherwise specified by law or Council action, 15 days advance notice must be provided.

(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.

(d) **Board of Health regulations.** Before the Council, meeting as the Board of Health, adopts a regulation, the President must:

(1) advertise the public hearing in a newspaper circulated throughout the County at least 15 days before the hearing; and

(2) notify the governing body or chief executive officer of each municipality in the County by mail or electronically at least 15 days before the hearing.

The President may waive either or both forms of notice if a public health emergency requires immediate action on a regulation.

Rule 5. Notice and agenda preparation.

(a) **Notice of meetings.** The Council meets in the Stella B. Werner Council Office Building, Rockville, Maryland, unless the President designates another location. The President [notifies] <u>must notify</u> Councilmembers, the news media, and the public of the agenda of a Council meeting and [supplies] <u>provide</u> reasonable notice of the date, time, and place of the meeting as the State open meetings law requires.

(b) **Agenda preparation.** The President [prepares] <u>must prepare</u> a written agenda for each meeting. The agenda must include the order and an understandable description of each item to be considered.

(c) **Additions to the agenda.** At any time after the President calls a meeting to order, a Councilmember may move to add to or delete from the agenda of that meeting or add an item to a future meeting.

(d) **Committee assignment.** The President may assign a matter to one or more Council committees, or to two Council committees meeting as a joint committee. An assignment may be changed by a motion to refer the matter to another committee, approved by a majority of the Council. The President may vote on this motion. A committee is a public body under the State open meetings law, and the President must give notice of any committee meeting as required under that law.

Rule 6. Legislation.

(a) **Introduction.** If the President or a majority of the Council refuse to schedule introduction of proposed legislation by a Councilmember, [then] the Councilmember must [provide] give the [Council] President [with] at least 2 weeks [prior] written notice of the Councilmember's intention to introduce legislation at a future legislative session. After notice, introduction must be allowed. Neither consent of the President nor a motion to amend the agenda is required. All legislation must be in writing and must substantially comply with the drafting guidelines and format requirements of the Montgomery County Plain Language Drafting Manual.

(b) **Requested legislation.** A Councilmember who introduces legislation may direct that the legislation indicate that it was introduced on request of a certain public official or body.

(c) **Reading.** At introduction, the bill is read only by number and short title. At final action, the bill is read only by number and short title unless:

(1) 2 Councilmembers request a reading of the entire bill; and

(2) a copy of the bill as it would be enacted, with all adopted amendments, is not available to each Councilmember.

(d) **Amendment.** Amendments to legislation that are to be the subject of an advertisement and a public hearing must be proposed in legislative session, and must be reduced to writing before the advertisement is published.

(e) **Copies.** The President [prepares] must prepare sufficient copies of legislation for distribution to Councilmembers, the news media, and the public.

(f) **Expiration.** Unless the Council enacts, defeats or withdraws a bill, the bill expires 18 months after introduction. A bill that is otherwise pending does not expire at the end of a Council term. A majority of the Council at a legislative session may extend the expiration date of a bill for a specified period of time. The President [informs] must inform all Councilmembers in writing of the pending expiration of a bill at least one month in advance.

(g) **Withdrawal.** A motion to withdraw a bill must be made by an original sponsor of the bill during legislative session. A bill is withdrawn upon the majority vote of the Council.

(h) **Voting.** The Council [votes] must vote by roll call to enact, defeat, or withdraw a bill. If no Councilmember objects, the Council may enact more than one bill by a single combined roll call vote.

(i) **Expiration of a law.** The Council Clerk must annually circulate to each Councilmember and the County Executive a list of each provision of the County Code that has a fixed expiration date[,] and submit the list for publication in the County Register. The 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.

(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.

(k) **Expedited legislation.** A bill that has been introduced as, or amended to be, expedited legislation, but received only 5 affirmative votes to enact it, has without further amendment been enacted as ordinary legislation, and the Council Clerk must revise the bill to delete any indicia of expedited legislation.

Rule 7. Resolutions.

(a) **Introduction.** If the President or a majority of the Council refuse to schedule introduction of a proposed resolution by a Councilmember, [then] the Councilmember must [provide] give the [Council] President [with] at least 2 weeks [prior] written notice of the Councilmember's intention to introduce the resolution at a future meeting. After notice, introduction must be allowed. Neither consent of the President nor a motion to amend the agenda is required. [All resolutions] Each resolution must be in writing and (except for ceremonial resolutions) must substantially comply with the drafting guidelines and format requirements of the Montgomery County Plain Language Drafting Manual.

(b) **Reading.** At introduction, the resolution is read only by subject. At final action, a resolution is read only by subject unless:

(1) 2 Councilmembers request a reading of the entire resolution; and

(2) a copy of the resolution as it would be adopted, with all adopted amendments, is not available to each Councilmember.

(c) **Action.** A resolution must not be acted on until the next meeting after it has been introduced. However, the following resolutions may be acted on at any time:

(1) setting the time and date of a public hearing;

(2) approving a matter that has been the subject of a public hearing by the Council or the Executive, or that has been published in the County Register;

(3) approving or confirming an appointment;

(4) extending a time for action, an effective date, or an expiration date;

(5) amending a previously-adopted resolution; or

(6) any resolution containing a declaration of emergency.

(d) **Effective dates.** A resolution [is effective] takes effect on adoption unless the resolution specifies a different date.

(e) **Expiration.** A resolution expires on the next August 31 after it is introduced, unless the Council adopts or defeats it sooner or by motion extends it to a specified date.

Rule 8. Consideration of resolutions and legislation.

(a) **Consideration of legislation.** Before a public hearing is advertised, a Councilmember may move not to consider a bill. This motion is debatable and must be made only in legislative session. A motion not to consider may be made when another Councilmember has the floor. The bill must not proceed to public hearing if a majority of the Council votes not to consider it. A member who was absent or on the prevailing side when a motion not to consider is adopted may move to reconsider the motion at any future legislative session before the bill expires.

(b) **Consideration of a resolution.** When a resolution is introduced, a Councilmember may move not to consider it. This motion is debatable. A motion not to consider may be made when another member has the floor. If the motion is adopted, the resolution [will] must not be considered further.

(c) **Effect of motion not to consider.** A successful motion not to consider does not limit the contents of any bill or resolution that is introduced at a later meeting or legislative session.

Rule 9. Procedure during public hearing.

(a) **Quorum.** A quorum is not required for a public hearing unless expressly required by law. Unless otherwise expressly required by law, the Council may delegate the conduct of any hearing to a Council committee, Councilmember, or Council staff member.

(b) **Preliminary remarks.** After convening a public hearing, but before the presentation of testimony, the presiding officer must:

(1) briefly [explains] explain the purpose of the public hearing;

(2) [gives] specify the last date by which written testimony or information should be submitted;

(3) [announces] announce the date and time for worksession or final action, if known; and

(4) [presents] present any information required by law.

(c) **Time [limitations] limits and registration requirements.** The presiding officer may announce in advance or at the hearing time limits for each speaker, registration requirements, and limits on the number of speakers. A majority of the Council may extend or shorten the time limits or change the limits on the number of speakers. The presiding officer may vote on a motion to change the time limits or the limits on the number of speakers. To cede time to another speaker, a speaker must be present at the hearing.

(d) **Information from members of the public.** Each member of the public desiring to speak at a public hearing first must register with the Council Clerk. When recognized by the presiding officer to speak, the person must [state] provide the following information:

(1) name;

(2) home or business address, as appropriate; and

(3) the person or organization the speaker represents, if any.

(e) **Relevance.** The presiding officer may temporarily suspend any testimony that is not relevant to the subject of the hearing and advise the speaker to that effect. The presiding officer may stop taking further testimony from and vacate any remaining time allocated to [the] a speaker who, after being so advised, continues to offer irrelevant testimony.

(f) **Questions from Councilmembers.** After [recognition] being recognized by the presiding officer, any Councilmember present may briefly question any speaker. The member and the speaker must not debate.

(g) **Transcript of a public hearing.** A transcript of a public hearing [is] must be made:

(1) as required by law; or

(2) at the request of the President or a majority of the Councilmembers in office, with sufficient notice.

(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 was given, the presiding officer specifies when and where the hearing will convene or reconvene; or

(2) before the hearing was scheduled to be held, the presiding office has:

(A) informed each person who [signed up] registered 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] requires 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.

Rule 10. Procedure during debate.

(a) **Withdrawal.** The maker of a motion may withdraw the motion at any time before a vote is taken unless another member objects.

(b) **Written motions.** Before a vote is taken, any Councilmember may direct the Council Clerk [of the Council] to state the motion in writing and distribute it to the Council.

(c) **Committee recommendations.** A recommendation from a Council committee that received the affirmative votes of 2 or more members of that committee, or a recommendation that received the affirmative votes of a majority of the members of any joint committee, is a main motion that does not require a second.

(d) **[Taking] Motion to table; taking from the table** A motion to table is not in order at a meeting of a Council Committee, including a joint Committee meeting. A Councilmember may move to take a bill or resolution from the table if the

Councilmember voted to lay the bill or resolution on the table, or was absent and not merely abstaining from the vote. A bill may be taken from the table at any time until it expires. A resolution may be taken from the table until the next August 31 after it is laid on the table.

(e) **Reconsideration.** A Councilmember may move to reconsider a matter already decided if:

(1) the matter is still in the possession of the Council;

(2) the motion to reconsider is made:

(A) at the same meeting; or

(B) at the later of:

(i) the next similar Council meeting; or

(ii) any similar Council meeting held within the next 7 days; and

(3) the Councilmember voted with the prevailing side or was absent, and not merely abstaining from the vote.

The Council may postpone a vote on a motion to reconsider to a time certain, but not indefinitely.

(f) **Effect of Motion to Reconsider.** A motion to reconsider, properly made, suspends the action that is the subject of the motion until the motion is adopted or rejected. A motion to reconsider, properly adopted, voids the action that is the subject of the motion.

(g) **Reconsideration of enactment.** A motion to reconsider the enactment of any law, zoning text amendment, or subdivision regulation amendment, requires 5 votes for adoption.

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