



County Council

Montgomery County, Maryland

Council Policy Regarding Appointments

Background

1. The County Council recognizes that boards, committees, and commissions are an integral and important component of County government and that citizens provide the County government a vast resource of talent, expertise, and volunteer time.
2. The County Council has asked that its adopted policies regarding appointments to boards, committees, and commissions be organized into one document for ease of reference and to reiterate its general policies with regard to appointing members to serve on boards, committees, and commissions. The Council also reemphasizes that reappointment to boards, committees, and commissions is not an automatic process.
3. The County Council has previously adopted general policies affecting the solicitation and appointment of members to boards, committees, and commissions. These policies are contained in law, resolution, or Council rules of procedure, and are summarized here.



Policies

Appointment and Confirmation

Members of boards, committees, and commissions who are appointed by the Council are appointed for the term and for the compensation, if any, and in the manner as is prescribed by the Charter, or law or resolution. When a vacancy exists on any board, committee, or commission whose members are appointed by the County Executive, the Executive should appoint a successor within 60 days and the County Council should act within 60 days by resolution to confirm or disapprove the appointment. The affirmative vote of a majority of Councilmembers in office is required for confirmation. If the appointment is not confirmed, the County Executive should promptly appoint another person to the vacancy and submit the name to the Council for confirmation (Montgomery County Code Section 2-75).

Term

The law, resolution or executive order establishing or continuing any committee should specify the term of the committee's existence. If no term is specified, then the committee continues until terminated. The Executive monitors the expiration date of those committees he appoints, and the Council monitors the expiration date of those committees that the Council appoints. (Montgomery County Code Section 2-146(a))



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The standard term for each appointment is three years unless another term is established by law, resolution, or executive order. (Montgomery County Code Section 2-148(b))

To promote broad participation no individual should ordinarily serve more than two consecutive full terms or serve on more than two committees at any one time. (Montgomery County Code Section 2-148(a))

In addition to the requirements in the County Code, the Council has adopted a more restrictive policy regarding the number of terms served and for service on more than one board, committee, or commission:

- The Council policy is that an individual must not serve more than two consecutive full terms on any County board, committee, or commission or serve on more than one board, committee, or commission at any one time unless two-thirds of the Councilmembers voting in the affirmative or negative make or confirm the appointment. (Council Resolution No. 11-98, adopted February 24, 1987)
- This policy does not apply to ex officio or non-voting appointees or to any appointment established for a term of less than two years. (Council Resolution No. 11-98, adopted February 24, 1987)

Criteria

In making appointments to committees the appointing authority should consider the following criteria: interest, diversity of background and professions, relevant experience and expertise, and geographic balance. (Montgomery County Code Section 2-148(a))

Advertising and Solicitation

The Council will publish and solicit applications for any vacancy that exists on any board, committee, or commission appointed by the Council. (Council Resolution No. 10-1078, adopted December 11, 1984, and the Council Rules of Procedure)

The Council will not confirm appointments by the County Executive to boards, committees, and commissions unless, when a vacancy exists, the Executive publishes the vacancy and solicits applications to fill the vacancy. (Council Resolution No. 10-1078, adopted December 11, 1984, and the Council Rules of Procedure)

The Council may waive advertisement and solicitation requirements for Executive appointments on a case-by-case basis. (Council Resolution No. 10-1078, adopted December 11, 1984, and the Council Rules of Procedure)

These provisions do not apply to positions on County boards, committees, and commissions that must be filled by an employee representing a County department, office, or agency as a



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law, resolution or executive order provides. (Council Resolution No. 10-1078, adopted December 11, 1984)

Membership of Employees

Resolution No. 11-108 states that the Council may appoint a Montgomery County employee or confirm an appointment by the County Executive of a County employee to a board, committee, or commission, if:

(a) a law, resolution, or executive order directs that the position must be filled by a Montgomery County employee representing a department, office, or agency; or

(b) the employee is:

(i) the County Executive;

(ii) a designated representative or liaison of the Executive;

(iii) a member of the County Council;

(iv) a designated representative or liaison of the Council; or

(v) an employee or volunteer member of a fire department or rescue squad; or

(c) the appointment will not conflict with the employee's official duties or the employment duties of the employee's spouse. An appointment will conflict with an employee's or spouse's duties when:

(i) the board deals with a subject matter that falls within the scope of the employee's or spouse's duties as a Montgomery County employee;

(ii) the employee or spouse supervises, advises, represents, or reviews the budget of the board, or any department, office, or agency that the board oversees or advises;

(iii) the employee or spouse is the head of a County department, principal office, or office; or

(iv) membership on the particular board will otherwise (a) subject the employee or spouse to undue pressures or (b) create or appear to create a conflict between the employee's or spouses's duties and the duties of membership on the board.

(d) Failure to conform to the above criteria is grounds for the Council or Executive to refuse to confirm or approve an appointment. In approving or confirming an appointment that does not meet the standards of paragraph (c), the Council must describe the nature of the conflict with the employee's duties and explain why it is approving or confirming the appointment.

(e) *Employee* means a paid employee of an agency covered by the Ethics law and board includes committee, council, task force, and commission.



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(Resolution No. 11-108, adopted February 24, 1987, rescinded Resolution Nos. 10-560 and 10-631, repealing the policy that appointments of County employees on boards, committees, and commissions will not be confirmed by the Council.)

Interviews

Councilmembers must be afforded an opportunity to interview each County Executive or Council nominee before the Council acts on the appointment. (Council Rules of Procedure).

Publication

The name of each appointee should be published at least one week before confirmation (Council Rules of Procedure).

Action

Appointment resolutions are exempt from the rule that a resolution must not be acted on until the next meeting after it has been introduced. (Council Rules of Procedure)

Definition

Boards, committees, and commissions include any multi-member body established by law, resolution, or executive order, to assist the County government in carrying out its responsibilities. (Council Rules of Procedure)

Action

The County Council for Montgomery County, Maryland, approves the above resolution. This resolution supplements Resolution Nos. 10-1028, 11-98, and 11-108.



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Public Participation - Public Hearing Procedures

- Speakers must sign up in advance.
- To testify at a Council public hearing, please sign online at www.montgomerycountymd.gov/Council/PHSignUp.html or call 240-777-7803.
- Public hearing sign-ups begin on the date that the notice of the public hearing is first advertised in a local newspaper.
- **Deadline to sign up to speak at a Council hearing:**

Afternoon hearing - 5:00 pm on the day before the hearing

Evening hearing - 10:00 am on the day of the hearing

- Speakers are requested to bring 15 copies of their testimony to the hearing, and to provide a written copy 48 hours in advance of the hearing.
Email to: county.council@montgomerycountymd.gov
- **Each speaker will be given 3 minutes. This applies to elected officials, government and organization representatives as well as individuals. Speakers will not be allowed to cede time to another speaker. Either a property owner or the owner's attorney, but not both, may speak at a hearing.** Only one person may represent an organization. An individual who wishes to speak at more than one public hearing in the same Council session will receive a total of 5 minutes to speak on all items scheduled at that session. Only the County Executive, appearing personally, is exempted from the time limit.
- If we have been unable to accommodate you on the speaker's list, please provide testimony in writing so we can include your comments in the record and share them with all Councilmembers. Your written testimony will be given the same consideration as oral testimony.
Email to: county.council@montgomerycountymd.gov
Mail to: Council President, 100 Maryland Avenue, Rockville, MD 20850.
- It has been customary to begin evening hearings at 7:30 pm and to limit the number of speakers to 30 for an evening public hearing and 5 for an afternoon public hearing. To accommodate more speakers for extraordinary hearings, the Council President has the discretion to adjust the start and end times of the hearing or to continue the hearing to an additional evening.
- Staff has been directed to assure that the Council hears all points of view. Staff asks speakers to indicate whether they are "pro" or "con" when appropriate, and to specify the issue they wish to address. Speakers are encouraged to consolidate testimony, and



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staff tries to accommodate special requests and needs. In conversations with the public, staff stresses that the hearing is not a plebiscite. The Council does not presume that the number of “pro” and “con” speakers at a public hearing reflects the distribution of public opinion on that issue.

- Speakers often are **not** told when they sign up that they have a place on the list. When the topic is complex or controversial, staff takes the names of all persons who wish to speak. Council staff, after consulting with the Council President, selects who is on the final list. In all cases, staff maintains a list of all persons who asked to speak; that list is available to the members of the Council.
- In the case of budget hearings, slots are reserved for each portion of the budget and allocated just before the date of the public hearing. **Government department and agency representatives will not be selected to testify at the budget hearings.**
- Speakers are brought to the witness table in groups of 5 or 6. While Council staff does accommodate some requests for speakers who wish to testify together, staff attempts to compose each panel of persons with different points of view. All members of each panel remain at the witness table until the entire panel has testified. Councilmembers reserve their questions until the entire panel has spoken.
- The Council's rules of procedure authorize the presiding officer to limit testimony to the subject of the public hearing.