



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Khandikile Mvunga Sokoni, Legislative Attorney  
Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #councilrulesofprocedure

AGENDA ITEM #8  
November 1, 2022  
**Public Hearing**

## SUBJECT

Amending Council Rules of Procedure

## EXPECTED ATTENDEES

Members of the public

## COUNCIL DECISION POINTS

- N/A; Public Hearing.
- This resolution was introduced on October 25, 2022. Worksession/Action is scheduled for November 15, 2022.

## BACKGROUND/Description/Issue

In addition to some relatively minor technical or stylistic amendments, the revisions proposed by Council staff in this resolution (all shown in brackets and underlines) also include some substantive changes explained in the accompanying staff memo.

### This report contains:

- |  |           |
|--|-----------|
| 1. Staff Memo  | Pages 1-8 |
| 2. Draft Resolution                                  | © 1       |
| 3. Proposed Amendments to Council Rules of Procedure | © 2-12    |

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**M E M O R A N D U M**

October 27, 2022

TO: County Council

FROM: Khandikile Mvunga Sokoni, Legislative Attorney  
Ludeen McCartney-Green, Legislative Attorney

SUBJECT: **Public Hearing:** Resolution to amend Council Rules of Procedure

Under Rule 2(c) of the Council's Rules of Procedure (hereafter "the Rules"), the Rules continue in effect until amended, suspended, or repealed. A new Council can amend the Rules by a majority vote within 90 days after taking office, or by a vote of two-thirds of the Councilmembers at any other time.

The Rules were last amended on January 27, 2015, by Resolution 18-49. Prior to that, the Council Rules were thoroughly rewritten and updated in 1987. Since 1987, each new Council (except in 2003) reviewed the Rules during that initial 90-day period. In 1991, 1995, 1999, 2007, and 2011 new Councils made a number of relatively minor changes. Several amendments were also adopted in 1997 and 2000.

**Background**

Although previous Councils have typically reviewed and amended the Rules at the beginning of the term of Council, the Council can revise any part of the Rules at any time. One pressing issue that staff recommends be addressed before the incoming Council assumes office on December 5, 2022, is to amend the Rules to reflect the number of votes required to take certain actions because the number of Councilmembers is increasing from 9 to 11.

Council staff has over the years noted areas of the Rules that Council may wish to address based on certain recurring questions. While the amendment to define what a majority and two-thirds vote will mean with the new number of councilmembers is the most urgent amendment needed at this time, staff also reviewed other potential amendments for the Council's consideration.

**Proposed Amendments**

In addition to some relatively minor technical or stylistic amendments, the revisions proposed by Council staff in this resolution (all shown in brackets and underlines) also include some substantive changes explained below:

1. **Number of Councilmembers.** Throughout the Rules, the number of votes needed for Council or Committee action is established in the Charter. The question is whether two-thirds of the new Council structure (11 members), i.e. 7.333, is considered 7 or 8.

Council staff recommend defining two-thirds. Two-thirds is referenced not only in the Rules of Procedure, but also in the County Code, Zoning Code, the Charter, and the Constitution; therefore, for consistent and clear interpretation throughout all points of law, the proposed amendment below defines both, two-thirds and majority. Further, a review of local jurisdiction indicates the usage of “two-thirds” rather than using a hard number.

**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 in a duly convened meeting. For the purpose of determining a majority, an abstention is not a vote. A majority of the Council is 6 Councilmembers. Rule 1(c)(3).

**Two-thirds.** Unless otherwise specified in law or these Rules, and consistent with the Charter and Resolution 19-581 , two-thirds of the Council is 7 Councilmembers.<sup>1</sup>

2. **Virtual Meetings.** Clarify public hearings may be remote as determined by the President and that a Councilmember is present at a meeting when the Councilmember participates virtually.
  - a. **Notice of meetings.** The Council meets in the Stella B. Werner Council Office Building, Rockville, Maryland, unless the President designates another location. The Council may in addition to, or as an alternative meeting place, conduct remote public hearings by virtual or telephonic conference. The President must notify Councilmembers, the news media, and the public of the agenda of a Council meeting and provide reasonable notice of the date, time, and place of the meeting as the State open meetings law requires. (Rule 5 (a)).
  - b. **Presence.** Unless otherwise specified in law, presence means the participation of Councilmembers at a meeting by means of in-person, virtual, or telephonic conference. A Councilmember who is remote must be able to listen and participate in a contemporaneous debate with

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<sup>1</sup> Adopted on August 4, 2020

other members on matters for a discussion or vote, and such participation at a meeting would be considered present. (Rule 1(c)(6)).

**c. Attendance.**

A Councilmember is expected to attend meetings in person. A Councilmember may request the option to participate in meetings remotely by means of virtual or telephonic conference, although the use of such alternative means must be limited to circumstances when a Councilmember's in-person attendance would be impractical or unreasonable. A decision about whether a Councilmember's physical presence at a meeting is considered impractical or unreasonable would be in the President's discretion and made on a case-by-case basis. (Amendments to Rule 5(b)).

***Policy Approach:*** A separate policy would be established for Councilmembers to adopt a standard for attendance at meetings and may describe circumstances that are deemed appropriate for virtual participation. The policy may consider reasons that include but are not limited to:

1. A medical emergency of the Councilmember or a family member of the Councilmember;
  2. Illness or injury of the Councilmember;
  3. A death of a family member of the Councilmember;
  4. Inclement weather that would make travel unsafe; or
  5. Unforeseen circumstances beyond the Councilmember's control.
3. **Creation of Informal Workgroups.** Clarify that any group of individuals appointed to report to or advise the Council must be created by a majority of Councilmembers.

**Board, committee, or commission.** Board, committee, or commission have the same meaning as stated in Section 2-142 of the County Code. (Rule 1(c)).

**Group.** A group means any board, committee, commission, task force, or any similar multi-member body established by federal, state, or county law, resolution, or executive order, that functions as a part of the County government. (Rule 1(c)).

**Formation of groups.** A Councilmember must not form or establish any kind of group or appoint a member to a group unless approved by a majority vote of the Council and in accordance with the provisions

governing Boards, Committees, and Commissions in Section XI of the County Code. (Rule 1(k)).

4. **Closed Meetings.** Include a provision that attendance is recorded as required by the Open Meetings law and clarify that closed meetings are confidential. The amendment below reflects the Council's current practice for closed meetings.

**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.<sup>2</sup> 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.] The record of a closed meeting includes the attendance of all persons present as required by the state Open Meetings law. Unless authorized by state law, any testimony taken, or evidence received in a closed meeting must be kept confidential and may not be released to the public for inspection. If a person attends a closed meeting remotely, then a verbal acknowledgment of such confidentiality and non-disclosure of each remote attendee will be recorded on a form provided by the Clerk. (Rule 1(d)).

5. **Presiding Officer.** Under Rule 1, clarify that if the President is absent at a Council meeting, the Vice-President presides. If the Vice-President also is absent, the most recent Council President who is present at the meeting presides. If a former Council President is not present, the present members elect a presiding officer for the purposes of the meeting. This would clarify that only a Councilmember who is physically present at a meeting can preside.

**Absence of presiding officer.** In the absence of the President, the Vice-President presides at Council meetings. 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 and who sits on the Council must preside. If no past President is available, the Councilmembers present must select a President pro tempore to preside at that meeting. A Councilmember who presides at a meeting must be physically present. (Rule 1(i)).

6. **Online publication.** Require the publication of public hearings online, in addition to newspaper publication when required by law.

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<sup>2</sup> Maryland Code, General Provisions Article §§ 3-305(b)(1)-(14).

**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, including if the public hearing is remote or available by other electronic means;
  - (B) the place where members of the public may obtain [a] an electronic copy of the materials to be discussed at the public hearing; (Rule 4(a)).

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**Publication requirements.** Before a public hearing, the President must post online [publish] the advertisement of the public hearing on the County's website, and if required by law, publish 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. (Rule 4(b)).

**Public notice on emergency matters.** If a public hearing will be held on an emergency matter, the President must:

- (1)
  - (A) unless otherwise required by law, [publish] post online an advertisement on the County's website of the public hearing as required under subsection (b), if possible; or
  - (B) inform the news media [in writing] by electronic means of the public hearing if notice under subsection (b) is not possible; and
- (2) [make] disseminate electronic copies of the proposed emergency matter available to the public and the news media. (Rule 4).

**Electronic notice and publications of documents.** Unless otherwise required by law, all notices and dissemination of documents required to be published as outlined in these rules, are deemed satisfied, if the documents are electronically available and published on the County's website. (Rule 4(e)).

7. **Electronic Copies.** Allow the President to provide copies of bills to other Councilmembers electronically, instead of via paper copies.

**Copies.** The President must [prepare sufficient] disseminate copies of legislation in advance by electronic means for distribution to Councilmembers, the news media, and the public. (Rule 6(e)).

8. **Publication of Amendments.** Delete Rule 6(d), which is confusing and implies that amendments to bills are subject to an advertisement. Amendments to bills are proposed by Councilmembers publicly and do not have advertising requirements, rather, only introduction of a bill has certain advertising requirements.

[**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.] (Rule 6(d)).

A similar provision has been added and moved to the top of Rule 6 and is re-titled “*Introduction.*” The rest of Rule 6 has been re-titled to reflect the procedural flow of enacting a bill.

**Introduction.** All bills that are to be the subject of an advertisement and a public hearing must be proposed in a legislative session and must be reduced to writing before they are introduced and the advertisement is published. (Rule 6(a), formerly Rule 6(d)).

9. **Advance notice of public hearings.** Amending the 15-day default rule for publication and amend the notice of public hearings to 14 days as permitted by the Maryland Constitution.

***Publication requirements.*** Before a public hearing, the President must post online and 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] 14 days advance notice must be provided. (Rule 4)

***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] 14 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] 14 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 4).

10. **Expiration of Resolutions.** Change the default rule that a resolution expires on the next August 31<sup>st</sup> after introduction. Instead, state that it expires a certain number of days (e.g., 180) after introduction.

***Expiration.*** A resolution expires [on the next August 31] 180 days after it is introduced unless the Council adopts or defeats it sooner or by motion extends it to a specified date. (Rule 7(e)).

11. **Ceding Time.** Under Rule 9(c), delete the provision about ceding time to other speakers. The provision is unnecessary because the Rules already give the presiding officer the ability to limit the number of speakers and allotted times.

***Time 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.] (Rule 9(c)).

12. **Transcripts.** Clarify that a transcript of a Council meeting is required only when required by law. A transcript generally is unnecessary since meetings are recorded.

***Transcript of a public hearing.*** A transcript of a public hearing must only 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]. (Rule 9(g)).

13. **Advance notice of agenda item.** Except in emergencies, require Councilmembers provide to the President a written draft of a potential agenda item (e.g., a resolution or legislation) at least 8 days prior to the Council session.

***Advance Notice.*** Unless the President determines an agenda item is an emergency, a Councilmember must submit to the President a written draft of a proposed item for introduction, at least eight (8) days in advance of a Council session, before the item can be added to the agenda. (Amendment to Rule 5 – Notice and agenda preparation).

14. **Council Correspondence.** Previously a council correspondence policy was adopted by Councilmembers. The policy provides the format for memorandums and letters sent to external entities. In accordance with the policy previously



adopted, a suggested amendment to the Rules would clarify that a letter expressing an opinion on behalf of the Council must be signed by the President or designee.

**Council Correspondence.** If the Council determines that written correspondence is needed to express an opinion on behalf of the body, the correspondence must:

- (1) state the names of each Councilmember in support and each Councilmember in opposition of the position; and
- (2) be signed by the President or the President's designee.

A Councilmember or group of Councilmembers, individually or collectively, may send external correspondence that expresses a position, but in doing so, the correspondence must state that the written position is not on behalf of the Council. (Amendment to Rule 1 – General Provisions).

15. **Introduction of Special Appropriations.** Require a threshold of Councilmember support, e.g., 2 or more cosponsors (or 2 or more Councilmembers agreeing to introduction), to introduce a special appropriation. This amendment seeks to safeguard and strengthen fiscal responsibility by establishing a threshold for special appropriations.

## **Rule 7. Resolution**

- a. Introduction.** Except as provided in subsection (b), if the President or a majority of the Council refuse to schedule introduction of a proposed resolution by a Councilmember, the Councilmember must give the President at least 2 weeks 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. 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. Introduction of Special Appropriations.** Before introduction of a special appropriation, a resolution must have a sponsor and the support of 2 or more Councilmembers to introduce the special appropriation.

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Resolution No.: \_\_\_\_\_  
Introduced: October 25, 2022  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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**Subject: Amendments to County Council Rules of Procedure**

**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 or by two-thirds vote at any other time.
3. The Council most recently amended its Rules on January 27, 2015, by Resolution 18-49.

**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.

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Judy Rupp  
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.<sup>1</sup>
- (c) **Definitions.**
- (1) **Board, Committee, and Commission.** Board, committee, or commission have the same meaning as stated in Section 2-142 of the County Code.
- (2) **Group.** A group means any board, committee, commission, task force, or any similar multi-member body established by federal, state, or county law, resolution, or executive order, that functions as a part of the County government.
- (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 in a duly convened meeting. For the purpose of determining a majority, an abstention is not a vote. A majority of the County Council is 6 Councilmembers.
- [(1)] (4) **Meeting.** A meeting is a convening of a quorum of the Council as defined in the State open meetings law.<sup>2</sup> 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.
- (5) **Presence.** Unless otherwise specified in law, presence means the participation of Councilmembers at a meeting by means of in-person, virtual, or telephonic conference. A Councilmember who is remote must be able to listen and participate in a contemporaneous debate with other members on matters for a vote or discussion, and such participation at the meeting would be considered present.
- [(2)] (6) **Quorum.** A quorum of a Council meeting is the presence of a majority (6) 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. A majority of the Council is 6 Councilmembers.
- (7) **Two-thirds.** Unless otherwise specified in law or these Rules, and consistent with Resolution 19-581<sup>3</sup> and the Charter, two-thirds of the Council is 7 Councilmembers.
- (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.<sup>4</sup> Any closed

<sup>1</sup> Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition is the latest version at the time of adoption of these rules.

<sup>2</sup> Maryland Code, General Provisions Article § 3-101(g).

<sup>3</sup> Adopted on August 4, 2020

<sup>4</sup> Maryland Code, General Provisions Article §§ 3-305(b)(1)-(14).

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. The record of a closed meeting includes the attendance of all persons present as required by the state Open Meetings law. Unless authorized by state law, any testimony taken, or evidence received in a closed meeting must be kept confidential and may not be released to the public for inspection. If a person attends a closed meeting remotely, then a verbal acknowledgment of such confidentiality and non-disclosure of each remote attendee will be recorded on a form provided by the Clerk.

- (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.
- (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 at Council meetings. 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 and who sits on the Council must preside. If no past President is available, the Councilmembers present must select a President pro tempore to preside at that meeting. A Councilmember who presides at a meeting must be physically present.
- (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, the President 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.

- (k) **Formation of groups.** A Councilmember must not form any kind of group or appoint a member to a group unless approved by a majority vote of the Council and in accordance with the provisions governing Boards, Committees, and Commissions in Section XI of the County Code.
- (l) **Council Correspondence.** If the Council determines that written correspondence is needed to express an opinion on behalf of the body, the correspondence must:
  - (1) state the names of each Councilmember in support and each Councilmember in opposition of the position; and
  - (2) be signed by the President or the President's designee.A Councilmember or group of Councilmembers, individually or collectively, may send external correspondence that expresses a position, but in doing so, the correspondence must state that the written position is not on behalf of the Council

## **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 (6) 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 Council.

(2) **Executive appointments.** The 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 nominee or potential Council appointee 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.** Board, committee, or commission includes any multi-member body, established by law, resolution, or executive order to assist the County Government in carrying out its duties.]

[(e)] **(d) 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, including if the public hearing is remote or available by other electronic means;

(B) the place where members of the public may obtain [a] an electronic 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 post online [publish] the advertisement of the public hearing on the County's website, and if

required by law, publish 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. 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] 14 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) unless otherwise required by law, [publish] post online an advertisement on the County's website of the public hearing as required under subsection (b), if possible; or

(B) inform the news media [in writing] by electronic means of the public hearing if notice under subsection (b) is not possible; and

(2) [make] disseminate electronic 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] 14 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.

(e) **Electronic Notice and Publications of Documents.** Unless otherwise required by law all notices and dissemination of documents required to be published as outlined in these rules, are deemed satisfied if the documents are electronically available and published on the County's website.

## **Rule 5. Notice, attendance, 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 Council may in addition to, or as an alternative meeting place, conduct remote public hearings by virtual or telephonic conference. The President must notify Councilmembers, the news media, and the public of the agenda of a Council meeting and provide reasonable notice of the date, time, and place of the meeting as the State open meetings law requires.

(b) **Attendance.** A Councilmember is expected to attend meetings in person. A Councilmember may request the option to participate in meetings remotely by means of virtual or telephone conference, although the use of such alternative means must be limited to circumstances when a Councilmember's physical attendance would be impractical or unreasonable. A decision about whether a Councilmember's physical

presence at a meeting is considered impractical or unreasonable would be in the President's discretion and made on a case-by-case basis.

- [(b)] (c) **Agenda preparation.** The President must prepare a written agenda for each meeting. The agenda must include the order and an understandable description of each item to be considered.
- (d) **Advance Notice.** Unless the President determines an agenda item is an emergency, a Councilmember must submit to the President a written draft of a proposed item for introduction, at least eight (8) days in advance of a Council session, before the item can be added to the agenda.
- [(c)] (e) **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)] (f) **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.] The President may vote on this motion in the same manner as any other 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.** All bills that are to be the subject of an advertisement and a public hearing must be proposed in a legislative session, and must be reduced to writing before they are introduced and the advertisement is published.
- (b) **Scheduling.** If the President or a majority of the Council refuse to schedule introduction of proposed legislation by a Councilmember, the Councilmember must give the President at least 2 weeks' 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)] (c) **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)] (d) **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] three (3) 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 must [prepare sufficient] disseminate copies of legislation in advance by electronic means 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 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 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] (6) 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.** Except as provided in subsection (b), If the President or a majority of the Council refuse to schedule introduction of a proposed resolution by a Councilmember, the Councilmember must give the President at least 2 [weeks] weeks' 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. 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) Introduction of Special Appropriations.** Before introduction of a special appropriation, a resolution must have a sponsor and the support of 2 or more Councilmembers to introduce the special appropriation.

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

- (1) [~~2~~] three (3) 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.

**(d) 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.

**(e) Effective dates.** A resolution takes effect on adoption unless the resolution specifies a different date.

**(f) Expiration.** A resolution [expires on the next August 31 after it is introduced] that is not adopted or defeated sooner expires one hundred and eighty (180) days after the date it was 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 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 explain the purpose of the public hearing;
  - (2) specify the last date by which written testimony or information should be submitted;
  - (3) announce the date and time for worksession or final action, if known; and
  - (4) present any information required by law.
- (c) **Time 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 by providing the person's name, home or business address, and the person or organization the speaker represent. When recognized by the presiding officer to speak, the person must provide the following information:
  - (1) name; and
  - (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 a speaker who, after being so advised, continues to offer irrelevant testimony.
- (f) **Questions from Councilmembers.** After 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 must only 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 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 website when and where the hearing will convene or reconvene.

If severe weather conditions or another emergency 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 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) **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.] at any time before it expires.

(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~~] 6 votes for adoption.