COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: November 9, 2021

Resolution No.: 311

Introduced by: Mr. Divilio, Mr. Lesher, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COUNCIL RULES OF PROCEDURE TO CLARIFY CERTAIN PROCEDURES REGARDING THE ADOPTION OF NUMBERED AND ADMINISTRATIVE RESOLUTIONS, THE FILING OF PETITIONS, THE DRAFTING OF LEGISLATION, AND THE CONDUCT OF PUBLIC HEARINGS AND TO CORRECT OUTDATED AND INCONSISTENT LANGUAGE

By the Council: November 9, 2021

Introduced, read the first time, ordered posted and public hearing scheduled on Tuesday, December 14, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO AMEND THE TALBOT COUNTY COUNCIL RULES OF PROCEDURE TO CLARIFY CERTAIN PROCEDURES REGARDING THE ADOPTION OF NUMBERED AND ADMINISTRATIVE RESOLUTIONS, THE FILING OF PETITIONS, THE DRAFTING OF LEGISLATION, AND THE CONDUCT OF PUBLIC HEARINGS AND TO CORRECT OUTDATED AND INCONSISTENT LANGUAGE

WHEREAS, pursuant to § 212(g) of the Charter for Talbot County, Maryland, the County Council of Talbot County (the "County Council") is authorized and empowered to adopt and publish Rules of Procedure; and

WHEREAS, pursuant to the foregoing authority, the County Council has adopted, and amended from time to time, Rules of Procedure; and

WHEREAS, the County Council is desirous of amending the Rules of Procedure to clarify certain procedures regarding the adoption of numbered and administrative resolutions, the filing of petitions, the drafting of legislation, and the conduct of public hearings and to correct outdated and inconsistent language.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that the Talbot County Council Rules of Procedure are hereby amended as set forth in Exhibit A attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. __ having been published, a public hearing was held on Tuesday, _____, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

_____
Susan W. Moran, Secretary

BY THE COUNCIL

Read the second time:

Adopted _____

By Order _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Lesher -

Price -

Pack -

Effective Date: _____

EXHIBIT A

The Talbot Council Rules of Procedure shall be amended as follows:

KEY

Boldface.....Heading or defined term

Underlining.....Added to Rules by Resolution

~~Strikethrough~~.....Deleted from Rules by Resolution

* * * .....Existing Rules unaffected

TALBOT COUNTY COUNCIL

Rules of Procedure

* * *

II. Agenda

~~Except for requests made in open session, any request by any member of the Council to the County Attorney to draft proposed legislation shall be in writing and shall set forth the substance of the proposal. It shall include an acknowledgement by at least two other members of the Council that they are aware of the request. A copy of the request shall be filed in the Council's review file and shall be available for inspection by any member of the Council.~~

~~The County Attorney shall distribute proposed legislation to all members of the Council at least seven (7) days prior to the date of introduction. Bills to meet emergencies affecting public health, safety, or welfare are exempt from this requirement. Emergency bills shall be distributed immediately after they have been drafted.~~

~~Proposed legislation shall be distributed to all members of the Council with the Agenda in accordance with Rule II. Rule II shall be amended as follows:~~

A. Preparation of Legislative Agenda:

The Secretary shall prepare a written agenda for each legislative session or each regular or special meeting or hearing. The legislative agenda shall include the following:

1. ~~Numbers, titles, and copies~~ Titles of all bills to be introduced and the name or names of the Council member(s) introducing each.

2. Numbers, titles, and copies of all bills eligible to be called for final reading and vote.

3. ~~Numbers, titles, and copies~~ Titles of all resolutions to be introduced and the name of the Council member(s) introducing each.

4. ~~Numbers, titles, and copies~~ Titles of all petitions properly before the Council for its consideration.

5. Such other business as may properly come before the Council.

B. Preparation of Non-Legislative Agenda:

The Secretary shall prepare a written agenda for each regular business or special meeting or hearing which shall include the following:

1. Numbers, titles and copies of all bills to be considered.

2. Such other business as may properly come before the Council.

C. Additions to Agenda:

The Agenda shall remain open until noon on the Friday last preceding the meeting, or, if such Friday is a legal holiday, then noon on the last day preceding Friday which is not a legal holiday and each Council member shall have the right to place thereon any proper matter of business. After that time, the Agenda shall be considered closed and shall not be reopened for additions except by a vote in the affirmative by the majority present of the County Council.

D. Status of Bills:

The Secretary shall prepare an addendum to the agenda for each legislative meeting which shall show the status of all legislative enactments of the current session having been properly introduced but not yet having been finally disposed.

E. Notice to Council members:

The Secretary shall forward to each Council member a copy of each agenda, as compiled, at least seventy-two (72) hours prior to the meeting to which it pertains.

F. Checks:

All checks of the County Council shall be signed by the Finance Officer and counter-signed by the President of the Council, and in his absence, by the Vice President;*but no blank checks shall be either signed or counter signed. Checks shall be drawn only for vouchers, which have been properly prepared and listed, numerically on regular list to be presented to the County Council for their approval. Any voucher destroyed shall be listed on above list with the number and the word "voided" as all voucher numbers must be accounted for. All bills shall be paid only at regular County Council meetings each Tuesday, except for emergencies. This emergency must be approved by board action of the County Council before issuance of check. All invoices must be in the Finance ~~Officer's~~ Director's office no later than 12:00 noon each Monday for payment the following Tuesday.

***

III. Order of Business

A. The regular order of business at all meetings of the County Council shall be as follows:

1. Chairman's call to order
2. Approval of Journal
3. Payment of Bills
4. Presentation and disposition of petitions~~, applications, memorials~~
5. Introduction of bills
6. Introduction of resolutions
7. Other communications
8. Special orders of the day
9. Calls for bills and resolutions for final reading and vote
10. Miscellaneous business

B. Messages from the County Manager may be received at any time, except when a question is being put or the roll is being called.

* * *

VI. Introduction of Bills, Resolutions and Petitions

A. Introduction of Bills or Resolutions:

Bills or resolutions may be introduced by any member at any ~~meeting~~ legislative session on call of bills or resolutions. A bill or resolution as introduced shall be printed~~, multilithed, mimeographed or typewritten,~~ and shall be in the form provided for below. When a bill or resolution is introduced, the Secretary shall certify the copy introduced and shall maintain a file on all such original bills or resolutions. The Secretary shall cause copies thereof to be reproduced and made available to the Council members~~,~~ and to the public~~,~~ and the news media upon request, and shall post one copy on the official bulletin board and on the County website within seventy-two (72) hours following introduction. The Secretary shall provide for the notice required by law.

Except for requests made in open session, any request by any member of the Council to the County Attorney to draft proposed legislation shall be in writing and shall set forth the substance of the proposal. ~~It shall include an acknowledgement by at least two other members of the Council that they are aware of the request.~~ All other members of the Council and the County Manager shall be copied on the request. A copy of the request shall also be filed ~~in the Council's review file and shall be available for inspection by any member of the Council~~ with the Secretary.

The County Attorney shall distribute proposed legislation to all members of the Council at least seven (7) days prior to the date of introduction. Bills to meet emergencies affecting public health, safety, or welfare are exempt from this requirement. Emergency bills shall be distributed immediately after they have been drafted.

Proposed legislation shall also be distributed to all members of the Council with the Agenda in accordance with Section II Agenda.

B. Introduction of Petitions:

Petitions may be presented by the Secretary to the County Council upon application to the Secretary by any person ~~entitled~~ authorized by applicable law to petition the County Council. A petition as presented shall be printed~~, multilithed, mimeographed or typewritten~~, shall cite the applicable law(s) pursuant to which it is being presented and shall be in a form provided by law or by these rules. When a proper petition complying with these rules and applicable law is presented, the Secretary shall certify the copy presented, shall give it a number, and shall maintain a file on all such petitions. The Secretary shall cause copies thereof to be reproduced and made available to the Council members~~,~~ in the same manner as proposed legislation. The Secretary shall also cause copies thereof to be made

available to the public~~,~~ and the news media upon request and shall post one copy on the official bulletin board and on the County website. If the petition raises an issue requiring notice, the Secretary shall provide for the notice required by law. All persons presenting the petition shall sign and print their name and provide their residence address on the petition and any other information required by applicable law. No persons may join in a petition after it has been filed with the County. No petition shall be filed with the County concerning a matter for which another petition was filed with the County at any time in the previous eighteen (18) months.

* * *

COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

20__ Legislative Session Legislative Day No. _____

Bill No. _____

Expiration Date:_____

Introduced by _____

~~AN ACT~~ TITLE

By the Council _____~~, 20__~~

Introduced, read the first time, ordered posted and public hearing scheduled on _____, 20__, at _____, in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order _____, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill No.__ having been published ~~according to Charter~~, a public hearing was held on _____, 20__ at ____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601 ~~and concluded on _____~~.

_____, Secretary

BY THE COUNCIL

Read the third time.

~~Passed _____ (With Amendments)~~

~~Failed of Passage _____~~

ENACTED:_____(AS AMENDED)

By Order

_____, Secretary

***

D. Form of Numbered Resolutions:

COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

20__ Legislative Session ~~Date~~,
Legislative Day No. _____

Resolution No. ___

Introduced by _____

TITLE

By the Council, _____, 20__

Introduced, read the first time, ordered posted and public hearing scheduled on _____, 20__, at _____, in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order _____, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. ___ having been published, a public hearing was held on _____, 20__ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601

_____, Secretary

BY THE COUNCIL

Read the second time.

Adopted _____ (AS AMENDED)

Failed _____

By order, _____, Secretary

~~ADOPTED By the Council, _____, 20____~~

~~Certified _____, Secretary~~

* * *

E. Form of Petitions:

COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

20___ Legislative Session, _____ Date _____

Petition No. _____

IN THE MATTER OF THE PETITION OF _____

_____

FOR_____

To the Secretary, County Council of Talbot County,

Under the authority of _____~~(PLL) (Rule No.)~~_____

We, the undersigned citizens of Talbot County, Maryland hereby Petition the County Council of Talbot County for the following:

(1) ~~That a Resolution be adopted~~

(2) ~~(Bill be introduced)~~

(3)

(4)

And for reasons therefore say:

/s/ _____

* * *

VIII. Consideration of Resolutions

~~There shall be a first reading and a final reading of each resolution.~~ Every numbered resolution shall include a public hearing and shall be read on two (2) different occasions prior to final adoption. On the first reading, a resolution shall be read by number and title only when introduced. On call of a public hearing for a resolution, the resolution shall be read a second time. On call of resolutions for final ~~passage~~ adoption, resolutions eligible for ~~passage~~ adoption shall be called in numerical order. The resolution shall be read by number and short descriptive title only; provided, however, that at the request of any member, it shall be read once (and only once) for amendment before vote on final ~~passage~~ adoption. Vote on final ~~passage~~ adoption shall be on roll call by the yeas and nays, and a majority of the votes of the members shall be necessary to ~~pass~~ adopt the resolution. An enrolled copy shall be prepared after final ~~passage~~ adoption and certified to be a true copy by the Secretary. On enrolling, the Secretary shall have authority to correct obvious errors in section references and numbers, capitalization, spelling, grammar, headings and similar matters.

The Council may, but is not required, to hold a public hearing on an administrative resolution. If the Council elects to hold a public hearing on an administrative resolution, then it shall be read on two (2) different occasions prior to final adoption. Administrative resolutions for which no public hearing is held shall only be read once prior to final adoption.

A Resolution is effective as of final ~~passage~~ adoption.

IX. Consideration of Petitions

~~A.~~ On call of presentation of petitions, ~~memorials, and applications,~~ the Secretary shall present to the Chairman any petitions, ~~memorials or applications,~~ which shall be read by number and title. The Council may then, but shall not be required to, consider the petition and take appropriate action. A petition shall be deemed denied if, upon the conclusion of the Council meeting next following the Council meeting at which the petition is presented as set forth herein, no action has been taken thereon; provided, however, that no member(s) of the Council shall thereafter be precluded from directing the County Attorney to draft legislation that was the subject of such petition in accordance with these rules.

* * *

XIII. Conduct of Public Hearings and Special Meetings

A. General:

The rules in this section apply to public hearings held upon pending legislation, the budget, and the other matters subject to public hearings. Normally these hearings will be held in conjunction with regularly scheduled meetings, but they may be scheduled at other times by the Chairman in accordance with these rules.

B. Preliminary Action:

Upon convening the hearing, the presiding officer shall give a brief explanation of the purpose of the hearing and shall cause to be presented any information or data which is required before the public discussion and comments begin.

C. Public Participation:

Any person desiring to speak on the matters or issues under consideration shall first address the chair and shall not proceed until recognized by the chair. Upon initial recognition by the chair, the person shall give the following information before speaking to the issue:

1. Name
2. Home address
3. Persons or organization represented or that he is speaking as a private citizen
4. Whether he is speaking for or against the subject matter under consideration

Any person desiring to question any other person appearing before the Council shall first address the chair, and when recognized, request leave of the chair to ask a question of the witness and shall not proceed until leave is granted. Upon initial recognition, he shall identify himself as described above. Questions shall be brief, shall pertain only to the facts and matters at issue, shall be interrogatory in nature and not argumentative; questions shall not be preceded by statements nor shall they contain allusions to personality or motives. If the chair shall rule the question out of order or objectionable, it shall be the duty of the person asking it to withdraw the question. ~~When petitions are made to the Council, the persons or parties presenting same shall have the opportunity to state their case by presenting witnesses, exhibits, and other evidence.~~ At the option of the chair, the chair may require any person desiring to testify to take the following oath:

"Do you solemnly promise to speak
truthfully in the testimony you
are about to give?"

Witnesses shall be examined by the party introducing them and the chair shall allow a reasonable cross-examination by other parties in interest~~: in~~. In the discretion of the chair, questions or cross-examination shall be reduced to writing and put by the County Solicitor attending the Council.

When confusion arises in the Hearing Room, or demonstrations of approval or disapproval are indulged in by the occupants of the Hearing Room, it shall be the duty of the chair to enforce order on its own initiative without any point of order being made by a Council member; under circumstances of confusion and disorder, the chair shall have the power, and it shall be the duty of the chair, to order the Hearing Room cleared, and the chair may, upon its own motion without a second or putting the matter to a vote, order the hearing adjourned to a fixed hour and date.

D. Questions by Council:

Any member, upon recognition by the chair, may question any speaker or witness.

E. Questions of Council members:

A Council member may be questioned only by consent of the Council.