



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected
Keywords: #CouncilRules

AGENDA ITEM #7
January 31, 2023
Action

SUBJECT

Resolution to Amend the Council Rules of Procedure

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Final action to adopt a Resolution to Amend the Council Rules of Procedure

DESCRIPTION/ISSUE

The prior Council amended the Council Rules of Procedure on November 15, 2022. The amendments took effect on December 5, 2022.

On January 24, 2023, the Council introduced a resolution to amend the Rules, and the Council held a worksession on the resolution. During the worksession, the Council took non-binding “straw votes” on various amendments to the resolution.

SUMMARY OF KEY DISCUSSION POINTS

- The enclosed resolution reflects the amendments that a majority of the Council tentatively supported via “straw votes” during its worksession on January 24.
- The resolution, as currently drafted, would amend the Rules of Procedure to:
 - Clarify definitions and vote requirements;
 - Alter requirements related to the election of officers;
 - Provide a process for the adoption of a committee structure;
 - Make clarifications regarding Council correspondence;
 - Provide a process to identify interviewees for Council appointments;
 - Provide a nomination process for certain Council appointments;
 - Clarify requirements related to virtual attendance of Council meetings;
 - Alter timelines for the expiration of bills and resolutions;
 - Alter the process for bill withdrawals; and
 - Make technical corrections.
- Regarding amendments to Rules concerning the expiration of bills and resolutions, the Council might wish to specify how currently pending bills will be affected by the amendments. Council staff suggests for consideration adding a provision to the resolution indicating:
 - The amendments to Rules 6(f) and 7(f) apply only to bills or resolutions introduced on or after January 31, 2023.

- Councilmembers might wish to move additional or different amendments from the floor. Council staff will post an addendum to this packet with any additional proposed amendments received prior to January 31.

This report contains:

Resolution (with amendments tentatively supported via “straw vote”)

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For background, including all amendments discussed at the January 24th worksession, see the staff report for the January 24th worksession: [20230124_7.pdf \(montgomerycountymd.gov\)](#)

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Resolution No.: _____
Introduced: January 24, 2023
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President

SUBJECT: Amendments to County Council Rules of Procedure

Background

1. Section 116 of the County Charter authorizes the County Council to adopt rules of procedure.
2. Section 116 of the Charter and Rule 2(d) of the Council Rules of Procedure allow the Council to amend its Rules through resolution, by a majority vote, during the first 90 days of a Council term.
3. The Council most recently amended its Rules on November 15, 2022, by Resolution 19-1443.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council amends its Rules of Procedure as reflected in the attachment to this resolution.

This is a correct copy of Council action.

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.¹
- (c) *Definitions*
 - (1) *Board, Committee, and Commission.* Board, committee, and commission have the same meanings 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, which 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] more than half of the Councilmembers present who vote 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 full Council is 6 Councilmembers.
 - (4) *Meeting.* A meeting is a convening of a quorum of the Council as defined in the State open meetings law.² A meeting includes a legislative session, a session of the District Council, a meeting as the County Board of Health, a non-legislative 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

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

² Maryland Code, General Provisions Article § 3-101(g).

members on matters for a vote or discussion, and such participation at the meeting would be considered being present.

(6) *Quorum.* A quorum 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.

[(7) *Two-thirds.* Unless otherwise specified in law or these Rules, and consistent with Charter and Resolution 19-581, two-thirds of the full 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.³ 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. 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.

³ Maryland Code, General Provisions Article §§ 3-305(b)(1)-(14).

- (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; determination of committee structure and membership.*
- (1) The Council elects a Council President, a Council Vice-President, and other officers as the Council desires at the first Council meeting each December.
- (2) At the first meeting of a new Council term, the Council approves, by majority vote, the structure and membership of Council committees. At the direction of the Council Vice-President, at least 4 days prior to the vote the Clerk must post on the Council's website a proposed committee structure and membership.
- (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] an in-person meeting or Committee meeting must be present in-person.
- (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 a group or appoint a member to a group that would advise or report to the Council unless approved by a majority and in accordance with the provisions governing Boards, Committees, and Commissions in Section 2-142 of the County Code. This Rule must not be construed to prevent a Councilmember from consulting with residents or organizations.
- (l) *Council Correspondence.* The Council President must have support of at least a majority of Councilmembers to send correspondence in their capacity as Council President on behalf of the Council and must note whether such correspondence is on behalf of a majority of the body or as the Council's unanimous view. Councilmembers may individually or jointly send correspondence in their individual capacities and may include their title(s). ~~[[but]]~~ Correspondence on behalf of individual Councilmembers must clearly

[[note]] identify those Councilmembers, and must not imply they are [[not]] speaking on behalf of the body.

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) 7 Councilmembers (or, if there is vacancy on the Council, 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 7 Councilmembers (or, if there is vacancy on the Council, 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 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.*
- (1) *In general.* Councilmembers must be afforded an opportunity to interview each County Executive nominee or potential Council appointee before the Council acts on the appointment.
 - (2) *Selection of interviewees.* If a potential appointee is selected for an interview based upon a tally of Councilmembers, the Clerk must provide to a Councilmember, upon request, the results of the tally. The tally is a personnel record under the Maryland Public Information Act⁴, and it must not be disclosed publicly. If at least 5 Councilmembers indicate to the Clerk in writing that they wish to interview a potential appointee, the potential appointee must be permitted the opportunity to interview before the Council.
- (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) *Publication.* The name of each appointee should be published at least one week before confirmation.
- (e) *Special process for certain Council appointments.*

⁴ Maryland Code, General Provisions Article § 4-311, as amended.

- (1) Scope. This subsection (e) applies to: any appointment to the Montgomery County Planning Board; and any Council appointment for which a Councilmember requests the use of the process under this subsection. This subsection does not apply to an Executive appointment.
- (2) Nominations. At a Council meeting to consider or make an appointment under this subsection, each Councilmember may nominate an individual who has been interviewed by the Council for the appointment. If the nomination is seconded, the Clerk must add the nominee to a list of eligible nominees.
- (3) Appointments. The Clerk must announce the list of eligible nominees and call the roll of Councilmembers. Each Councilmember may vote in the affirmative to appoint an individual from the list of eligible nominees. If a nominee is selected by a majority of Councilmembers present and voting, the nominee is appointed. If no nominee is selected by a majority, the Council may repeat the nomination process, repeat the vote, or defer the appointment to a subsequent meeting.

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 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 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] are established by law. Unless the time is otherwise specified by law or Council action, 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, 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 by electronic means of the public hearing if notice under subsection (b) is not possible; and
 - (2) disseminate electronic copies of the proposed emergency matter so copies are 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 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 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 meetings 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]]~~ must attend in-person meetings in person,~~[[. A Councilmember may request the option to participate in in-person meetings remotely by means of virtual or telephone conference, although the use of such alternative means must be]]~~ except for limited [[to]] circumstances when a Councilmember's in-person attendance at the in-person meeting would be impractical or unreasonable. A Councilmember must send a written notice to the Council President and Council Clerk advising that they will be absent or will participate in a meeting remotely. The [[Clerk]] Councilmember's presence must [[state]] be announced as virtual by the Clerk at the commencement of the meeting, and all members must be recorded in the meeting minutes [[the type of presence of each Councilmember]] as in-person, virtual, telephonic, or absent.
- (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.
- (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.

- (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 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.
- (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.
- (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) [(3)] 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.
- (e) *Copies.* The President must 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]]~~ at the end of the Council term. ~~[[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 during legislative session by an original sponsor of the bill, or by any Councilmember if the term of each original sponsor has expired, ~~[[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 ~~[(6)]~~ 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' 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 at a Council meeting, a proposed resolution for a special appropriation must have a sponsor and the support of 2 or more co-sponsors.
- (c) *Reading.* At introduction, the resolution is read only by subject. At final action, a resolution is read only by subject unless:
 - (1) 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 that is not adopted or defeated sooner expires [[one hundred and eighty (180) days after the date it was introduced, unless the Council by motion extends it to a specified date]] at the end of the Council term.

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.
- (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 represents. When recognized by the presiding officer to speak, the person must provide the following information:
- (1) name; and
 - (2) 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 as required by law.

- (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 officer 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 a majority of 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 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;
 - (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 6 votes for adoption.

Rule 11. Vote requirements.

- (a) *Recording of votes.* The Clerk must record in the Council minutes the vote of each Councilmember who votes on a matter, regardless of the method of voting used, such as a roll call vote, a hand vote, or a vote “without objection”.
- (b) *Voting – by consensus or “without objection”.* Except as provided under subsection (d) of this Rule, the Council or a Committee may, at the discretion of the presiding officer, vote on amendments or Committee recommendations through consensus or “without objection” of the members present.
- (c) *Fractions under Robert’s Rules votes.* If Robert’s Rules of Order apply under Rule 1(b) and prescribe a vote requirement of two-thirds, two-thirds of the 11-member Council must be 7 Councilmembers.
- (d) *Numbers and types of votes.* The votes of the Council must comply with the requirements of the following chart. In the chart, RC means a roll-call vote, and HV means a vote by hand.

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>Legislation</u>			
<u>Regular legislation</u>	<u>6</u>	<u>RC</u>	<u>Charter § 111</u>
<u>Expedited legislation</u>	<u>7</u>	<u>RC</u>	<u>Charter § 111</u>
<u>Override of Executive veto</u>	<u>7</u>	<u>RC</u>	<u>Charter § 208</u>
<u>Law authorizing individual CIP project</u>	[[7]] <u>6</u>	<u>RC</u>	<u>Charter § 302, paragraph 6</u>
<u>Law creating new department or agency</u>	<u>7</u>	<u>RC</u>	<u>Charter § 401</u>
<u>Law designating non-merit position</u>	<u>7</u>	<u>RC</u>	<u>Charter § 401</u>

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>Extend expiration date of bill</u>	<u>Majority</u>	<u>HV</u>	<u>Rule 6(f)</u>
<u>Withdraw bill</u>	<u>Majority</u>	<u>[[HV]] RC</u>	<u>Rule 6(g)</u>
<u>Motion not to consider bill</u>	<u>Majority</u>	<u>HV</u>	<u>Rule 8(a)</u>
<u>Land Use</u>			
<u>Zoning text amendment</u>	<u>6</u>	<u>RC</u>	<u>Code § 59-7.2.4</u>
<u>Subdivision regulation amendment</u>	<u>6</u>	<u>RC</u>	<u>Maryland Code, Land Use Article § 23-104</u>
<u>Subdivision regulation amendment – Executive veto override</u>	<u>[[7]] 8</u>	<u>RC</u>	<u>Maryland Code, Land Use Article § 23-104</u>
<u>Master Plan approval</u>	<u>Majority</u>	<u>HV</u>	<u>Code § 33A-8</u>
<u>Master plan – extend time for Council action</u>	<u>8 (or, if less than the full Council is voting, 2/3 of members voting)</u>	<u>HV</u>	<u>Code § 33A-8</u>
<u>Local map amendment</u>	<u>6</u>	<u>RC</u>	<u>Code § 59-7.2.1</u>
<u>Local map amendment if contrary to recommendation of municipality where</u>	<u>8</u>	<u>RC</u>	<u>Code § 59-7.2.1</u>

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>where property is located or Planning Board does not recommend approval</u>			
<u>Sectional map amendment</u>	<u>6</u>	<u>RC</u>	<u>Code § 59-7.2.3</u>
<u>Sectional map amendment - if contrary to recommendation of municipality where property is located or Planning Board does not recommend approval</u>	<u>8</u>	<u>RC</u>	<u>Code § 59-7.2.3</u>
<u>Budget</u>			
<u>Spending affordability guidelines</u> <u>Adoption</u> <u>Amendment</u>	<u>Majority</u> <u>Majority</u>	<u>HV</u> <u>HV</u>	<u>Charter § 305</u>
<u>Budget approval – in general</u>	<u>Majority</u>	<u>HV</u>	<u>Charter § 305</u>
<u>Budget approval – that has been</u>	<u>7</u>	<u>HV</u>	<u>Charter § 305</u>

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>increased above the CPI limit in the Charter</u>			
<u>Budget approval - that exceeds spending affordability guidelines</u>	<u>8</u>	<u>HV</u>	<u>Charter § 305</u>
<u>Veto override = budget of Council, Fire & Rescue Commission, Fire Departments and Rescue Squads, Housing Opportunities Com'n, Montgomery College</u>	<u>6</u>	<u>HV</u>	<u>Charter § 306</u>
<u>Other veto budget override</u>	<u>7</u>	<u>HV</u>	<u>Charter § 306</u>
<u>Supplemental appropriation before January 1 - in general</u>	<u>7</u>	<u>HV</u>	<u>Charter § 307</u>
<u>Supplemental appropriation before January 1 to accept a grant or comply with a law or regulation</u>	<u>6</u>	<u>HV</u>	<u>Charter § 307</u>

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>Supplemental appropriation after January 1</u>	<u>6</u>	<u>HV</u>	<u>Charter § 307</u>
<u>Special appropriation</u>	<u>7</u>	<u>HV</u>	<u>Charter § 308</u>
<u>Transfer appropriation</u>	<u>Majority</u>	<u>HV</u>	<u>Charter § 309</u>
<u>Six-year CIP program approval</u>	<u>6</u>	<u>HV</u>	<u>Charter § 302</u>
<u>CIP amendment</u>	<u>6</u>	<u>HV</u>	<u>Charter § 302</u>
<u>Emergency special capital improvement project that is not done through legislation</u>	<u>7</u>	<u>HV</u>	<u>Charter § 302, paragraph 6</u>
<u>Property tax rate that exceeds the limit under Charter § 305</u>	<u>All current councilmembers</u>	<u>HV</u>	<u>Charter § 305</u>
<u>Resolutions</u>			
<u>Resolution – in general</u>	<u>Majority</u>	<u>HV</u>	<u>Rule 7</u>
<u>Motion not to consider resolution</u>	<u>Majority</u>	<u>HV</u>	<u>Rule 8</u>
<u>Motions</u>			
<u>Suspend rules</u>	<u>7 (or, if there is a vacancy, 2/3 of Councilmembers in office)</u>	<u>HV</u>	<u>Rule 2</u>

<u>Action</u>	<u>Votes required</u>	<u>Type of Vote</u>	<u>Citation</u>
<u>Appointment</u>			
<u>Confirm Executive appointment</u>	<u>Majority</u>	<u>HV</u>	<u>Charter § 215</u>
<u>Council appointment</u>	<u>Majority</u>	<u>HV</u>	
<u>Fill County Executive vacancy</u>	<u>6</u>	<u>HV</u>	<u>Charter § 205</u>
<u>Fill Councilmember vacancy</u>	<u>Majority</u>	<u>HV</u>	<u>Charter § 106</u>
<u>Removal from Office</u>			
<u>Councilmember</u>	<u>7</u>	<u>HV</u>	<u>Charter § 118</u>
<u>Executive</u>	<u>7</u>	<u>HV</u>	<u>Charter § 206</u>
<u>Miscellaneous</u>			
<u>Disapprove Executive reorganization plan</u>	<u>6</u>	<u>HV</u>	<u>Charter § 217</u>
<u>Close meeting under Open Meetings Act</u>	<u>6</u>	<u>HV (individual votes must be recorded, per Open Meetings Act)</u>	<u>Md. Code Ann., General Provisions Article, Title 3</u>
<u>Amend Council Rules during first 90 days of term</u>	<u>Majority</u>	<u>HV</u>	<u>Rule 2(c)</u>
<u>Amend Council Rules after 90 days</u>	<u>7 (or, if there is a vacancy, 2/3 of Councilmembers in office)</u>	<u>HV</u>	<u>Rule 2(c)</u>

ADDENDUM

Agenda Item #7
January 31, 2023
Action

MEMORANDUM

January 30, 2023

TO: County Council
FROM: Christine Wellons, Senior Legislative Attorney
SUBJECTS: Resolution – Amendments to County Council Rules of Procedure
PURPOSE: Action

This memorandum is an addendum to the staff packet for this item dated January 26, 2023.

Councilmembers Mink, Balcombe, Stewart, and Albornoz intend to support the following amendment to Rule 1 of the resolution.

Proposed changes to the amendments discussed during the January 24 worksession are highlighted:

(g) *Election of Council officers; determination of committee structure and membership.*

(1) The Council elects a Council President, a Council Vice-President, and other officers as the Council desires at the first Council meeting each December.

(2) At the first or second meeting of a new Council term, the Council approves, by majority vote, the structure and membership of Council committees. At the direction of the Council Vice-President, at least 4 days prior to the [[vote]] first meeting of the term the Clerk must post on the Council’s website a proposed committee structure and membership.