

# RULES OF PROCEDURE OF THE MONTGOMERY COUNTY LEGISLATURE

## Article I: Organizational

### *Section 1.01: Rules of Order*

The rules contained in the most recent edition of “Robert’s Rules of Order” shall govern the County Legislature (hereinafter “Legislature”) in all cases to which they are applicable and in which they are not inconsistent with:

- A. These Rules of Procedure;
- B. Any special rules of order the Legislature may adopt;
- C. Any statutes applicable to the Legislature.

### *Section 1.02: Meetings*

- A. ORGANIZATIONAL MEETING: The organizational meeting of the Legislature shall be called and governed in accordance with the Charter of Montgomery County. At the organizational meeting or an adjourned session thereof, the Legislature shall:
  - i. Elect a Chairperson and a Deputy Chairperson;
  - ii. Appoint any other legislative officials as it deems appropriate;
  - iii. Review and adopt Rules of Procedure for the ensuing year;
  - iv. Address any other matter the Chairperson wishes to bring before the Legislature
- B. REGULAR MEETINGS: The Legislature shall hold regular meetings on the fourth Tuesday of each month at 7:00 P.M. in the Legislative Chambers. When such day falls on a legal holiday, the meeting shall be fixed by resolution duly adopted at a previous meeting.
- C. SPECIAL MEETINGS: Special meetings of the Legislature shall be held at the call of the Chairperson of the Legislature or a majority of the Legislature by written request. Notice in writing stating the time, place, and purpose of the special meeting shall be served upon each member of the Legislature at least forty-eight hours before the date fixed. Only business specified in the notice thereof may be transacted at a special meeting.

### *Section 1.03: Rules of Procedure*

- A. QUORUM: A quorum of the Legislature shall consist of five legislators, however, a lesser number may adjourn.
- B. ORDER OF BUSINESS: The order of business of each regular meeting of the Legislature shall be as follows:
- i. Call to Order
  - ii. Roll Call of Members
  - iii. Salute to the Flag
  - iv. Moment of Silence
  - v. Public Comment and Presentation
  - vi. Communications
  - vii. Approval of Minutes of Previous Meetings
  - viii. Acceptance of Budgetary Transfers
  - ix. Acceptance of Procurement Record
  - x. Old Business
  - xi. New Business
  - xii. Adjournment
- C. MINUTES DISPENSED: Reading of the minutes of previous meetings shall be dispensed with unless required by a majority of the Legislature.
- D. PRIVILEGE OF THE FLOOR: Any Legislator desiring to speak or present any subject or matter to the Legislature shall seek the recognition of the Chairperson and shall not proceed until recognized by the Chairperson and awarded the floor for such purpose.
- E. PUBLIC COMMENT: Persons not members of the Legislature may, with the consent of the Chairperson or a majority of the Legislature, be permitted to speak at any time regarding matters pending before the Legislature.
- F. MAIN MOTIONS: When a question is under consideration, the following motions may be introduced in the following order of precedence:

PURPOSE	INTERRUPT	SECOND	DEBATE	AMEND	VOTE
Adjourn	No	Yes	No	No	Majority
Recess	No	Yes	No	Yes	Majority
Register Complaint	Yes	No	No	No	None
Follow Agenda	Yes	No	No	No	None
Table	No	Yes	No	No	Majority
Close Debate/Call the Question	No	Yes	No	No	2/3

Limit or Extend Debate	No	Yes	No	Yes	2/3
Postpone	No	Yes	Yes	Yes	Majority
Refer	No	Yes	Yes	Yes	Majority
Amend	No	Yes	Yes	Yes	Majority
Postpone Indefinitely	No	Yes	Yes	No	Majority
Add Emergency Resolution	No	Yes	Yes	No	2/3

G. INCIDENTAL MOTIONS: When a question is under consideration, the following motions may be made at any time and must be decided immediately:

Purpose	Interrupt	Second	Debate	Amend	Vote
Enforce Rules	Yes	No	No	No	None
Submit Matter	Yes	Yes	No	No	Majority
Suspend Rules	No	Yes	No	No	2/3
Avoid Consideration	Yes	No	No	No	2/3
Divide Question	No	Yes	No	Yes	Majority
Roll Call	Yes	No	No	No	None
Parliamentary Inquiry	Yes	No	No	No	None
Informational Inquiry	Yes	No	No	No	None
Typo	Yes	No	No	No	None

H. RETURNING MOTIONS: When no question is pending, the following motions may be made:

Purpose	Interrupt	Second	Debate	Amend	Vote
Take from Table	No	Yes	No	No	Majority
Rescind	No	Yes	Yes	Yes	2/3
Reconsider	No	Yes	No	No	Majority

- I. MOTION TO RECONSIDER: A motion to reconsider must be made by a Legislator who voted on the prevailing side before the adjournment of the meeting of original consideration. Any Legislator who was absent when the original vote was taken, or abstained from the original vote shall not have the ability to make a motion for reconsideration.
- J. TYPO: A motion to consider something to be typo can be made to revise an item on a resolution that is trivial and does not compromise the main intent of the resolution, such as a spelling error. Revisions to dollar figures and dates shall not be considered typos.
- K. VOTING: Every Legislator shall vote “Aye,” “Nay,” or may abstain on any motion requiring a vote. If a Legislator abstains, the Legislator shall explain on the record the reason abstaining.
- L. ROLL CALL: A roll call vote shall be taken by the Clerk of the Legislature when required by law or upon a motion for such a vote. The roll call shall begin with the prime sponsor or

mover and must be completed before any other action is taken. Any Legislator may pass upon the calling of his or her name during a roll call only once. Any Legislator choosing to pass on a roll call shall be polled at the conclusion of the vote. In the course of responding to a roll call vote, a Legislator may give an explanation of his or her vote.

- M. CALLING THE QUESTION: A motion to call the question shall immediately end debate upon a second and a successful 2/3 vote. Once the motion to call the question is successful the Clerk shall take a roll call vote of the pending resolution, starting with the sponsor of the motion to call the question. Any Legislator may pass upon the calling of his or her name during a roll call only once. Any Legislator choosing to pass on a roll call shall be polled at the conclusion of the vote. In the course of responding to a roll call vote, a Legislator may give an explanation of his or her vote.
- N. VOTING MAJORITY: A majority of "Aye" votes of the total membership of the Legislature shall be required for the adoption of any resolution or local law then under consideration by the Legislature unless otherwise specified by state law, the Charter of Montgomery County, or any local law or resolution.
- O. SUPER MAJORITY: A two-thirds majority of "Aye" votes of the total membership of the Legislature shall be required for the adoption of any resolution or local law establishing a two-thirds vote approval requirement when such requirement is not specified by state law.
- P. PROXY VOTE: No Legislator may give a proxy, or in any other fashion, delegate his or her authority to vote upon any matter pending before the Legislature.
- Q. RESCISSION VOTE: The rescission, revocation, or reversal of any action, resolution, local law, motion, or other matter voted upon by the Legislature shall be affected by the same ratio of votes as was required for its adoption, approval, or passage.
- R. VOTE RECORDED: All actions entered into the minutes shall record the names of those Legislators who voted in the minority and those not voting by reason of abstention or absence.
- S. ORDER & DECORUM: Every Legislator shall cooperate in preserving order and decorum in meetings, and no member shall delay or interrupt the proceedings of the Legislature or any member while speaking. Meetings shall be conducted in a courteous manner. Legislators shall be allowed to state their position in an atmosphere free of slander, profanity, or intimidation. During debate, no Legislator shall question the motives of another Legislator, nor shall he or she accuse another Legislator of fraud, dishonesty, or corruption. Furthermore, no Legislator shall conduct his or her self in a loud or boisterous manner, nor shall he or she make any comments without the privilege of the floor.
- T. ELECTRONIC DEVICES: All those present during any meeting of the Legislature or a committee thereof shall silence or mute all electronic devices in their possession during meetings.

## Article II: Administrative

### *Section 2.01: Legislative Officers*

- A. CHAIRPERSON: The Chairperson of the Legislature shall be the presiding officer, shall call the Legislature to order, and, except in the absence of a quorum, shall proceed to conduct business in the manner prescribed by these rules.
- B. DEPUTY CHAIRPERSON: The Deputy Chairperson shall bear all the duties and functions of the Chairperson in his or her the absence. The Deputy Chairperson shall serve at the direction of either the Chairperson or the Legislature, which direction shall always supersede that of the Chairperson. The Deputy Chairperson shall receive no additional compensation unless he or she shall act as Chairperson in excess of thirty consecutive days after assuming the duties of Chairperson.
- C. ACTING CHAIRPERSON: In the absence of the Chairperson at any meeting of the Legislature, the Deputy Chairperson shall serve as Acting Chairperson and shall call the Legislature to order. In the absence of the Chairperson and Deputy Chairperson, the Clerk of the Legislature shall, after fifteen minutes, call the Legislature to order and the members present and voting shall select a member of the Legislature to serve as Acting Chairperson at such meeting. The Acting Chairperson shall have and exercise all the powers and duties of the Chairperson at the meeting over which he or she is called to preside.
- D. VACANCY: In the case of a vacancy in the office of the Deputy Chairperson, the Clerk of the Legislature shall accept nominations to select a successor, who shall be a member of the Legislature, at the next regular meeting of the Legislature. The person so selected shall serve as Deputy Chairperson of the Legislature for the unexpired term of the previous Deputy Chairperson.
- E. ORDER & DECORUM: The Chairperson shall preserve order and decorum and decide all questions of order, which decisions shall be final unless an appeal is taken to the Legislature. On an appeal from the decision of the Chairperson, he or she shall have the right to assign his reason for his decision.
- F. ORDER OF BUSINESS: The Chairperson shall decide all questions relating to the priority of business without debate.
- G. PARLIAMENTARIAN: In any instance where there is a disagreement concerning the interpretation of the Rules of Procedure, the County Attorney shall act as parliamentarian to advise the Chairperson who shall rule on all questions of order of procedure.

### *Section 2.02: Resolutions*

- A. RESOLUTION REQUEST: All resolutions requested or proposed by any party, including any Legislator, shall be submitted to the Clerk of the Legislature in its entirety and accompanied by an impact statement, as defined in § 2.02(B) for inclusion on the agenda of the committee principally concerned at least ten calendar days prior to the committee meeting at which to be considered.
- B. IMPACT STATEMENT: A statement of purpose, financial, and legislative impact must accompany every proposed resolution and be permanently attached thereto. No resolution shall be acted upon by the Legislature at a regular or special meeting unless an impact statement has been completed. Said statement shall include the following:
- i. NATURE OF REQUEST: A detailed description of the request.
  - ii. JUSTIFICATION: An explanation of the need of said request
  - iii. LEGISLATIVE IMPACT: A detailed statement of the impact of said request on existing legislation including state law, the Charter of Montgomery County, or any local law or resolution.
  - iv. FINANCIAL IMPACT: A detailed statement of the impact of said request on the fiscal standing of Montgomery County including the impact on the County budget, the real property tax levy, and the debt profile.
- C. ACCEPTANCE: Any resolution request received by the Clerk of the Legislature shall be accepted unless the request fails to meet the required form or fails to include the required information outlined in §2.02(B) of these rules. If a request fails to meet any of these requirements, the Clerk of the Legislature shall reject the request and send a memo to the requestor outlining the necessary actions to bring the request into compliance.
- D. NAMING AND NUMBERING: The Clerk of the Legislature shall issue a resolution number and title to each proposed resolution and maintain a list to be provided to the Legislature each month as to the status of each requested and proposed resolution.

RESOLUTION INCLUSION: The Chairperson of the Legislature shall determine the items to be scheduled for consideration at regular and special meetings of the Legislature. The committee chairperson shall determine the items to be scheduled for consideration at their respective committee meetings.

- E. RESOLUTION EXCLUSION: Neither the Chairperson of the Legislature or respective committee chairperson shall exclude from an agenda for discussion any item requested unless written notification citing the reason for the exclusion is provided to the requestor and the entire Legislature at least five days prior to the respective meeting.
- F. RESOLUTION DISCHARGE: Any decision by the Chairperson of the Legislature or a committee chairperson to exclude a resolution or discussion item from an agenda may be overruled by a motion to discharge the resolution. A motion to discharge must have a sponsor and a second, which may differ from the resolution's primary sponsor and second. A majority vote of the Legislature or of the committee shall be required to pass the motion to discharge, which will place the resolution on that meeting's agenda.
- G. MEETING AGENDA: At least five calendar days prior to the appropriate committee, regular, or special meeting at which a proposed resolution is to be considered, the Clerk of the Legislature shall forward a copy of the agenda and proposed resolutions with the attached impact statement to each member of the Legislature and the County Attorney either by mail or by electronic format.
- H. READING OF RESOLUTION: The Chairperson of the Legislature or respective committee chairperson shall read the title of all resolutions and local laws. Upon the request of any Legislator, a resolution or local law shall be read in its entirety.
- I. SPONSORSHIP: All proposed resolutions and local laws shall have a prime sponsor and at least one second and shall be reduced to writing before consideration at a regular or special meeting of the Legislature.
- J. AMENDMENTS: Upon the request of any Legislator, any amendment to a resolution shall be reduced to writing.
- K. BUDGET AMENDMENTS: Any resolution authorizing the transfer of funds from any contingency line or the fund balance following the adoption of the County budget in any given fiscal year shall require a two-thirds majority of "Aye" votes of the total membership of the Legislature. A two-thirds majority shall not be required to adopt the initial County budget.
- L. EMERGENCY RESOLUTION: An emergency resolution may be placed on the agenda at any regular meeting of the Legislature by a two-thirds majority of "Aye" votes of the total membership of the Legislature. For the purpose of this provision, an emergency resolution shall be defined as a resolution that concerns any matter where delay in the consideration thereof would adversely affect the interests of the County, the Legislature, or any department, official, or agency of the County or the public.
- M. CLERK: The Clerk of the Legislature shall serve as secretary of the Legislature, provided that the Clerk of the Legislature may designate another county officer or employee as secretary with the approval of the Chairperson of the Legislature.

## *Section 2.03: Committees*

- A. GOVERNANCE: For the purposes of aiding and assisting the Legislature in the transaction of its business, there shall be standing committees established by these Rules of Procedure. The duties of the committees shall be as required by law, as directed by the Chairperson of the Legislature, or as directed herein. All petitions, motions, resolutions, and communications requiring action of a committee shall be referred without motion by the committee chairperson having charge of matters relating to the same.
- i. MEMBERSHIP: Each of the standing committees shall be composed of five Legislators, including the committee chairperson, unless otherwise specified. The Chairperson of the Legislature shall appoint the members within ten days following his or her election. All terms shall be coterminous with the term of the Chairperson of the Legislature.
  - ii. COMMITTEE CHAIRPERSON: The Chairperson of the Legislature shall designate the committee chairpersons for each standing committee within ten days of his or her election. The committee chairperson of each standing committee shall be the presiding officer and shall cause the members thereof to be notified in advance of each meeting. The committee chairperson shall call all necessary meetings. Upon his or her refusal or neglect to call any meeting, the Clerk of the Legislature, upon written request signed by the Chairperson of the Legislature or by a majority of the committee, shall call such meeting. In the absence of the Committee Chairperson the Chairperson of the Legislature shall preside over the meeting. In the absence of the Chairperson of the Legislature, the Deputy Chairperson shall preside over the committee meeting. If the Deputy Chairperson is not available then a member of the committee shall be eligible to preside.
  - iii. EX-OFFICIO MEMBER: The Chairperson of the Legislature shall serve as an ex-officio member of every standing committee and may be counted towards a quorum of the same. He or she shall have the right to participate in all discussion at any committee meeting but does not have the right to vote on any committee.
  - iv. REMOVAL: Neither the committee chairperson nor any other member of a standing committee shall be removed during the term of which the committee was appointed without prior consent of the member.
  - v. VACANCY: The Chairperson of the Legislature shall fill any vacancy occurring on any standing committee within thirty days after such vacancy occurs. In the event such vacancy occurs in the position of committee chairperson, he or she shall designate a new committee chairperson within ten days after such vacancy occurs.



- vi. CLERK: The Clerk of the Legislature shall serve as secretary of standing committees of the Legislature, provided that the Clerk of the Legislature may designate another county officer or employee as secretary with the approval of the committee chairperson.
- vii. COMMITTEE REVIEW: Each committee shall review all issues forwarded by the Clerk of the Legislature for its consideration. Committees shall report on each item and may provide a recommendation for approval or disapproval by the affirmative vote of a simple majority of committee members. If a committee disapproves a resolution or local law by the affirmative vote of a simple majority of the members of the committee, referred for its consideration, the committee chairperson shall notify the sponsor of such resolution or local law of its disapproval and the committee shall file a report with the Legislature stating its disapproval and outlining the reasons therefore. No item is to be reported out of committee without a recommendation by at least a simple majority of the members of the committee. Any member of the Legislature can sponsor or second a resolution before a committee, even if they are not a member of that committee.
- viii. DISCUSSION: At all committee meetings, any Legislator may speak on an issue before the committee. Only members of a committee may vote on issues before the committee.

PUBLIC COMMENT: Any committee of the Legislature is authorized to accept advice and counsel from citizens who are not members of the Legislature upon recognition from the committee chairperson or a simple majority of the committee.
- ix. EMERGENCY COMMITTEE MEETINGS: Committee meetings of an emergency nature, identified as such by a two-thirds majority vote of the total membership of the Legislature, will be permitted during a regular meeting of the Legislature. This provision shall only apply and take effect when a regular meeting is in progress.

#### B. STANDING COMMITTEES:

- i. AUDIT: There shall be an Audit Committee as outlined in §2.10 of the Charter of Montgomery County. The Committee shall be composed of the Chairperson of the Legislature, the Chairperson of the Budget and Finance Committee, and one additional member of the Legislature. The Committee shall have the responsibility for auditing vouchers and claims for payment against county funds or funds for which the county is responsible in accordance with the Audit Policy adopted by the Legislature and shall certify the same for payment by the County Treasurer. This committee shall not have a chairperson.

- ii. **BUDGET AND FINANCE:** There shall be a Budget and Finance Committee composed of the entire Legislature that shall have jurisdiction over issues arising from the County Clerk, County Treasurer, Department of Real Property Tax Service, and Department of Purchasing as well as the county budget and capital plan, borrowing and indebtedness, external and internal audit, taxation, expenses of the Legislature, appropriation and expenditure of funds, and all other matters referred to the Committee.
- iii. **ECONOMIC DEVELOPMENT AND PLANNING:** There shall be an Economic Development and Planning Committee that shall have jurisdiction over issues arising from the Department of Economic Development and Planning as well as agriculture, cooperative extension, tourism, private industry council, workforce development, and all other matters referred to the Committee.
- iv. **EDUCATION AND GOVERNMENT:** There shall be an Education and Government Committee that shall have jurisdiction over issues arising from the County Legislature, County Attorney, Board of Elections, County Historian as well as Charter of Montgomery County, Fulton Montgomery County Community College, rules of procedure, policies, intergovernmental relations, records management, the review and modification of the structure of county government and the management, effectiveness, and efficiency of the same, and all other matters referred to the Committee.
- v. **HEALTH AND HUMAN SERVICES:** There shall be a Health and Human Services Committee that shall have jurisdiction over issues arising from the Department of Public Health, Department of Mental Health, Department of Social Services, Youth Bureau, Veteran Services Agency, Office for the Aging, as well as other matters relating to any voluntary or civic associations providing health or welfare services to residents of the county, and all other matters referred to the Committee.
- vi. **PERSONNEL:** There shall be a Personnel Committee that shall have jurisdiction over issues arising from the Department of Personnel as well as employee benefits and training, collective bargaining, civil service, employee insurance, grievances, and all other matters referred to the Committee.
- vii. **PHYSICAL SERVICES:** There shall be a Physical Services Committee that shall have jurisdiction over issues arising from the Department of Public Works, Department of Data Processing, Sealer of Weights and Measures as well as buildings and grounds, roads and bridges, solid waste, non-employee insurance, transportation, reforestation, telephone systems, county owned or leased property, the county sanitary sewer district, and all other matters referred to the Committee.

- viii. PUBLIC SAFETY: There shall be a Public Safety Committee that shall have jurisdiction over issues arising from the Department of Emergency Management and Fire Service, County Sheriff, County Jail, Public Defender, District Attorney, County Coroners, and Department of Probation as well as enhanced 911, stop DWI, radio communications, computer-aided dispatch, and all other matters referred to the Committee.
- C. SPECIAL COMMITTEES: The Legislature may, from time to time, create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members. Each member of any special committee shall serve for the period specified in such resolution, but in any event not longer than the term for which he or she shall have been elected as a Legislator.
- D. CITIZENS' ADVISORY COMMITTEES: The Legislature may from time to time create citizens' advisory committees. Any resolution creating a citizens' advisory committee shall specify the powers and duties of the committee and the number of its members. Each member of any special committee shall serve for the period specified in such resolution and must be a resident of Montgomery County. At the time of the appointment of any committee, the Legislature may appoint a Legislator as a liaison or ex-officio member of the committee. Any such committee shall be established for a specified time.
- E. PUBLIC NOTICE: All meetings of standing, special, and citizens' advisory committees shall be subject to the same public notice requirements applicable to regular and special meetings.

### *Section 2.04: Adoption and Amendment*

These rules may be adopted and amended consistent with voting requirements previously adopted by the Legislature, except for rules prescribed by state law, the Charter of Montgomery County, or local law. To the extent that a state or county law, which prescribes these rules, is amended these standing rules shall stand amended consistent with such amended statute or law without formal action by the Legislature.