

Bill No. 3-16
Concerning: Administration – Boards,
Committees, and Commissions –
General Amendments
Revised: April 4, 2016 Draft No. 2
Introduced: March 1, 2016
Enacted: April 12, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Government Operations and Fiscal Policy Committee

AN ACT to:

- (1) define a board, committee, commission, and task force;
- (2) require an Evaluation and Review Committee to be appointed every ~~[[5]]~~ 6 years;
- (3) establish a standard due date for annual reports from a board, committee, commission, and task force;
- (4) require a member to complete training on the Maryland Open Meetings Act and basic parliamentary procedure; and
- ~~[[(4)]]~~ (5) generally amend the law governing the appointment and operation of boards, committees, commissions, and task forces that operate as part of the County government.

By amending

Montgomery County Code

Chapter 2, Administration

Sections 2-141, 2-142, 2-144, 2-145, 2-146, [[and]] 2-147, and 2-148

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Sections 2-141, 2-142, 2-144, 2-145, 2-146, [[and]] 2-147, and 2-148**
 2 **are amended as follows:**

3 **2-141. Scope of article.**

4 It is the intent of the council to establish a uniform system for classifying all
 5 [[committees]] groups of the county government and for prescribing procedures for
 6 their operation. This article [[shall]] must therefore apply to all existing and newly
 7 created [[committees]] groups which function as a part of the county government,
 8 including all [[committees]] groups established by law, resolution, and executive
 9 order. Wherever a conflict exists between this article and state law, the state law
 10 [[shall]] must control. It is the intent of the council that any substantive law which
 11 creates a [[committee]] group covered by this act shall not be diminished or the
 12 [[committee's]] group's responsibilities reduced in any manner whatsoever.
 13 Wherever a conflict exists between this article and existing county law, the prior
 14 county law shall control.

15 **2-142. Definitions.**

16 [[a)] The following terms wherever used or referred to in this article shall have
 17 the following meanings:

18 Board means a semi-autonomous body established by federal, state or
 19 county law. A board is a formal committee with structure, duties and
 20 powers established by law. A board usually performs a quasi-judicial
 21 function, licensing, or regulation.

22 Commission means a body established by local law to study and
 23 recommend action to the Executive or the Council. A commission is a
 24 formal, standing committee with structure, duties and powers established
 25 by law. A commission often has an administrative or functional
 26 responsibility, such as reviewing land use plans or studying the supply of
 27 low and moderate priced housing.

28 [(b)] *Committee* [: Any board, committee, commission or similar body
 29 established by county law, resolution or executive order, which functions
 30 as a part of the county government] means a body appointed with a
 31 specific task or function. A committee makes recommendations and
 32 forwards them for appropriate action. A committee is advisory in nature
 33 and can be either a formal (standing) committee established by law or
 34 resolution, or an informal (ad hoc) committee. A committee may oversee
 35 and advise in service areas, such as housing and transportation, or it may
 36 advise the Executive or Council on specific issues and recommend policy
 37 direction..

38 [(c)] *Compensation* [: Payment] means payment for services rendered as a
 39 committee member; it shall not include reimbursement for actual
 40 expenses incurred as a committee member.

41 Group means any board, committee, commission, task force, or any
 42 similar body established by federal, state, or county law, resolution or
 43 executive order, which functions as a part of the County government.

44 Task Force means a body appointed to study or work on a particular
 45 subject or problem. A task force ceases to exist upon completion of its
 46 charge.

47 **2-144. Budget.**

48 Each [[committee's]] group's staff and yearly allocation of funds, if any,
 49 [[shall]] must be indicated in the budget and no [[committee shall]] group must
 50 spend more than its budgeted amount. The appointing authorities [[shall]] must
 51 furnish such staff support as deemed necessary for each [[committee]] group which
 52 does not have its own staff provided for in the budget.

53 **2-145. Compensation; reimbursement.**

- 54 (a) Unless a law expressly precludes compensation, the Council may
55 establish compensation for members of a particular [[committee]]
56 group by an appropriation that funds a line item in the budget. An
57 appropriation may establish levels of compensation by categories or
58 subcategories or [[committees]] groups.
- 59 (b) Unless another method of compensation is established, a [[committee]]
60 group member is compensated for each day that the member works on
61 [[committee]] group business after the member is authorized to do the
62 work by the [[committee]] group or the presiding officer of the
63 [[committee]] group.
- 64 (c) Whether or not a [[committee]] group member is compensated for
65 serving on the [[committee]] group, the member may request
66 reimbursement for travel and dependent care. The rate of
67 reimbursement is established in an appropriation.
- 68 (d) A [[committee]] group member must not be compensated or
69 reimbursed for travel or childcare expenses if appropriated funds are
70 not available.

71 **2-146. Terms of boards, committees, commissions, and task forces.**

- 72 (a) The law, resolution, or executive order establishing or continuing any
73 board, committee, commission, or task force should specify the term of
74 the [committee's] group's existence. If no term is specified, then the
75 board, committee, commission, or task force continues until terminated.
76 The County Executive should monitor the expiration date of those boards,
77 committees, commissions, and task forces that the County Executive
78 appoints. The County Council should monitor the expiration date of those
79 boards, committees, commissions, and task forces that the County
80 Council appoints.

(b) Any new board, committee, commission, or task force should have from 5 to 15 voting members.

(c) *[Committee] Evaluation and Review Board Committee.*

(1) The County Executive must appoint and convene at least every [10] ~~[[5]]~~ 6 years, subject to confirmation by the Council, a citizens review committee comprised of at least 11 members.

(2) The Committee must review the [committee] group system and each then-existing board, committee, commission, and task force and report to the Executive and Council its recommendations for changes in individual boards, committees, commissions, and task forces and the [committee] group system as a whole. The Committee must submit an interim report to the Executive and Council within 6 months of appointment and submit a final report within 12 months of appointment.

(3) The County Executive must designate the review committee's chair and vice-chair.

2-147. [Committee] Group reports; by-laws.

(a) The law or resolution establishing a board, committee, commission, or task force [should] may specify the dates when reports are due from the [committee] group and the subjects to be included in the reports. If the law or resolution is silent on the dates when reports are due, the board, committee, commission, or task force must submit an annual report on November 30 of each year [Each committee must submit a written report, at least annually,] to the Executive and Council containing a description of the [committee's] group's functions, activities, accomplishments, plans and objectives, including recommendations for changes in [committee] group functions.

- 108 (b) The Chief Administrative Officer may prescribe a format to be followed
 109 by [committees] groups in their annual report.
- 110 (c) The Chief Administrative Officer may adopt binding guidelines,
 111 consistent with law, for the organizational structure and internal
 112 procedures of [committees] groups in the Executive branch of County
 113 government.
- 114 (d) When any [committee] group in the Executive branch adopts by-laws or
 115 any other form of internal procedures, the Chief Administrative Officer
 116 must send a copy to the Council.

117 **2-148. Appointments, ~~[[and]]~~ removals, and training.**

118 (a) *Appointments.*

- 119 (1) In making appointments to ~~[[committees]]~~ groups, the
 120 appointing authority should consider the following criteria:
 121 interest, diversity of background and professions, relevant
 122 experience and expertise, and geographic balance. To promote
 123 broad participation, no individual should ordinarily serve more
 124 than 2 consecutive full terms or serve on more than one
 125 ~~[[committee]]~~ group at any one time. However, an individual
 126 may serve on more than one ~~[[committee]]~~ group at the same
 127 time if the law that created a committee requires or allows a
 128 member of that ~~[[committee]]~~ group to be selected from
 129 members of another County ~~[[committee]]~~ group.
- 130 (2) Any individual who has served 2 full terms on a ~~[[committee]]~~
 131 group is not eligible to serve on the same ~~[[committee]]~~ group
 132 until one year has elapsed. The appointing authority may waive
 133 this restriction if:
 134 (A) no other qualified applicant is available; or

(B) other unique circumstances justify the reappointment of the particular individual.

(3) Unless another term is established by the law, resolution, or executive order creating the [[committee]] group, the standard term for each appointment is 3 years, after any initial staggered term.

(4) A member must not continue to serve on a [[committee]] group after the member's term has expired, and a successor has not been appointed and confirmed, for more than 6 months unless:

(A) another law expressly authorizes the member to serve longer; or

(B) the Executive has notified the Council why the member will continue to serve on the [[committee]] group.

(b) *Removal for absenteeism.*

(1) A member of a [[committee]] group who misses more scheduled meetings or hearings than the number of allowed absences, computed by the following table, or who misses 3 consecutive scheduled meetings, is automatically removed. Scheduled meeting or hearing means any meeting or hearing for which at least 7 days advance notice was given and which was held as scheduled

* * *

(2) An automatic removal under this subsection takes effect 30 days after the presiding officer notifies the appointing authority. The presiding officer of the [[committee]] group must promptly notify the appointing authority of any member who has been

162 automatically removed and must explain any known extenuating
 163 circumstances. The presiding officer should send a copy of the
 164 notice to each member of the [[committee]] group.

165 (3) The appointing authority, on request of the affected member,
 166 may waive the removal for illness, emergency or other good
 167 cause. The appointing authority must notify the member whether
 168 a waiver has been granted.

169 (4) If a waiver has not been granted, the appointing authority must
 170 appoint a successor to complete the unexpired term, subject to
 171 Council confirmation if the original appointment was subject to
 172 Council confirmation.

173 (c) *Other causes for removal.*

174 (1) The appointing authority may remove a [[committee]] group
 175 member for:

176 (A) neglect of duty;

177 (B) misconduct in office;

178 (C) a member's inability to perform the duties of the office;

179 (D) conduct that impairs a member from performing the duties
 180 of the office; or

181 (E) violation of law.

182 (2) Before a member is removed, the appointing authority must:

183 (A) notify the member in writing of the reason for removal;
 184 and

185 (B) give the member an opportunity to submit reasons why the
 186 member should not be removed.

187 (3) If any other provision of law requires the Council's approval
188 before a member is removed, that provision applies to a removal
189 under this Section.

190 (4) If Council approval is not required before a member is removed,
191 the appointing authority must notify the Council before the
192 removal takes effect.

193 (d) Each member of a group must complete training on the Maryland Open
194 Meetings Act and basic parliamentary procedure. The Executive must
195 establish standards for this training by method 2 regulation.

196 **2-149. Procedures at meetings.**

197 Unless a [[committee]] group meeting is subject to Chapter 2A, a meeting
198 may be conducted informally. The parliamentary procedures of Robert's Rules of
199 Order govern when it is necessary to take formal action or decide controversial
200 matters. [[Committee]] Group meetings must be open to the public in accordance
201 with the state open meetings law.

202 **Sec. 2. Transition.**

203 Any group created by law, resolution, or executive order after this Act takes
204 effect must be classified as either a board, committee, commission, or task force. This
205 Act must not be construed to require the renaming of any group that existed before this
206 Act takes effect.
207

208 *Approved:*

209 *Nancy Floreen*
Nancy Floreen, President, County Council

April 13, 2016
Date

210 *Approved:*

211 _____
Isiah Leggett, County Executive

Date

212 *This is a correct copy of Council action.*

213 _____
Linda M. Lauer, Clerk of the Council

Date