

MEMORANDUM

March 13, 2018

TO: Government Operations and Fiscal Policy Committee

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Worksession:** Executive Regulation 10-17, Parliamentary and Maryland Open Meetings Act Training for Members of Boards, Commissions and Committees

PURPOSE: Review and make recommendations on Executive Regulation 10-17

Those expected to attend this worksession:

- Ed Lattner, Office of the County Attorney

Executive Regulation 10-17, was submitted for Method (2) Council review on November 30, 2017. Executive Regulation 10-17 implements Bill 3-16, Administration – Boards, Committees, and Commissions – General Amendments, which required a member to complete training on the Maryland Open Meetings Act and basic parliamentary procedure.

Under Method 2, the Council has 60 days to act on the regulation or extend time for Council action. Executive Regulation 10-17 was advertised in the June 2017 issue of the County Register with a comment deadline of June 30, 2017. The Executive received comments were received from one individual (©5). Changes based on the comments received are incorporated into this regulation.

The Council has not received any comments on the proposed regulation. Council staff does not have significant issues to raise regarding the proposed regulation. Substantively, Executive Regulation 10-17 seems to be consistent with the law and the intent of the law. A draft resolution to approve this regulation is on ©12.

This packet contains:

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Parliamentary and Maryland Open Meetings Act Training For Members Of Boards, Commissions, And Committees	Number 10-17
Originating Department Chief Administrative Officer	Effective Date

Montgomery County Regulation on

PARLIAMENTARY AND MARYLAND OPEN MEETINGS ACT TRAINING FOR MEMBERS OF BOARDS, COMMISSIONS, AND COMMITTEES

Issued by: County Executive
Regulation No. 10-17

Authority: Montgomery County Code (2014) Section 2-148(d)

Supersedes: NEW

Council Review: Method (2) under Code Section 2A-15

Register Vol. 34 No. 6

Effective Date: _____

Comment Deadline: June 30, 2017

Summary: This regulation establishes standards for training members of boards, commissions, and committees on the Maryland Open Meetings Act and basic parliamentary procedure.

Staff contact: Connie Latham,
(240) 777-2548

Address: Office of the County Executive
Executive Office Building
101 Monroe Street, Second Floor
Rockville, Maryland 20850

Background: County Code § 2-148(d) requires the County Executive to establish standards for training members of boards, commissions, and committees on the Maryland Open Meetings Act and basic parliamentary procedure.

Section 1. Purpose.

The purpose of this regulation is to establish standards for training members of boards, commissions, and committees on the Maryland Open Meetings Act and basic parliamentary procedure.

Section 2. Standards.



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A. Open Meetings Act. Open Meetings Act training should cover topics such as:

1. identification of a "public body" subject to the Act;
2. determination when a public body is "meeting" under the Act;
3. the different types of "functions" subject to the Act;
4. notice requirements;
5. permissible reasons for closing a meeting, and the procedure to close a meeting;
6. the requirement to take and maintain meeting minutes, *and what should be included*; and
7. the Open Meetings Act Compliance Board.

Training that is sufficient to meet the training requirements of the Maryland Open Meetings Act also meets the standards established by this regulation.

B. Parliamentary training. Parliamentary training should cover topics such as:

1. Robert's Rules of Order Newly Revised, Latest Edition (RONR);
2. quorum requirements;
3. how to chair a meeting;
4. the usual order of a meeting;
5. making and debating motions;
6. voting;
7. recusal and abstention; and
8. adjournment.

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY: Ed Halls

DATE: 11/21/17

Section 3. Execution.

Training may be given in-person or electronically. Each member of a board, commission, or committee at the time this regulation takes effect must submit a certificate evidencing that member's successful completion of Open Meetings Act and parliamentary training within 90 days of the effective date of this regulation. Each new member of a board, commission, or committee must submit a certificate evidencing that member's successful completion of Open Meetings Act and parliamentary training within 90 days of the latter of appointment or, if required, confirmation. The appointing authority may remove a member under County Code § 2-148(c) if that member fails to complete and evidence the training required under this regulation.

Isiah Leggett

Isiah Leggett, County Executive



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

November 30, 2017

TO: Roger Berliner, President, Montgomery County Council

FROM: Isiah Leggett, County Executive *Isiah Leggett*

SUBJECT: Proposed Executive Regulation 10-17, Parliamentary and Maryland Open Meetings Act Training for Members of Boards, Commissions, and Committees

The purpose of this memorandum is to transmit for the Council's approval, Proposed *Executive Regulation 10-17, Parliamentary and Maryland Open Meetings Act Training for Members of Boards, Commissions, and Committees*. On July 20, 2016, I signed into law, *Bill 3-16, Administration – Boards, Committees, and Commissions – General Amendments*. This legislation amended *Chapter 2*, including the requirement that "each member of a group must complete training on the Maryland Open Meetings Act and basic parliamentary procedure," and requires the County Executive to establish through Method 2 executive regulation, standards for this training.

The proposed executive regulation was published in the June 2017 Montgomery County Register, with comments accepted until June 30, 2017. Comments were received from one individual. Changes based on the comments received are incorporated into the Executive Regulation, and are included in this packet.

If you have any questions, please contact my Special Assistant, Connie Latham, at connie.latham@montgomerycountymd.gov. or 240-777-2548.

Attachments

Fiscal Impact Statement
Executive Regulation 10-17 – Training for Members of Boards, Committees and Commissions

1. Executive Regulation Summary

This regulation establishes standards for training members of boards, commissions and committees on the Maryland Open Meetings Act and basic parliamentary procedure. Training may be provided in person or electronically.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

DTS's Web and Mobile Application Team (DTS-WMAT) will utilize a cloud hosting environment to create, test, and deploy a Parliamentary Procedure Online Training Course for board members. DTS-WMAT estimates that it will take approximately 120 hours at a cost of \$12,400 to design, develop, test, and deploy the online solution.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

DTS will absorb the cost estimate stated in #2 in their budget. DTS doesn't anticipate any ongoing costs.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to the County's information technology (IT) systems, including Enterprise Resources Planning (ERP) systems.

See response #2.

6. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the regulation.

See response #2.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a regulation is likely to have no fiscal impact, why that is the case.

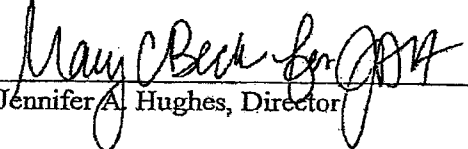
Not applicable.

13. Other fiscal impacts or comments.

None.

14. The following contributed to and concurred with this analysis:

Philip Weeda, Office of Management and Budget and Sonetta Neufville and Connie Latham, Office of the Chief Administrative Officer.



Jennifer A. Hughes, Director

6/22/17

Date

Subject:
Attachments:

FW: Bill 3-14 - Training for members of MoCo Boards, Committees, Commissions
pb-comments-on-regs-bill-3-16.pdf

From: Paul M Bessel [<mailto:besselpaulm@comcast.net>]

Sent: June 14, 2017 4:12 PM

To: Latham, Connie <Connie.Latham@montgomerycountymd.gov>

Cc: Kirkland, Bonnie <Bonnie.Kirkland@montgomerycountymd.gov>; Hansen, Marc P.

<Marc.Hansen@montgomerycountymd.gov>; Gochrach, Beth <Beth.Gochrach@montgomerycountymd.gov>; Lattner, Edward <Edward.Lattner@montgomerycountymd.gov>

Subject: Re: Bill 3-14 - Training for members of MoCo Boards, Committees, Commissions

Connie,

Attached to this email are my comments on the draft regulations designed to implement Bill 3-16.

I have never submitted comments on draft regulations before, so if my style or content does not meet the requirements please let me know as quickly as possible so I can revise them before the June 30 deadline.

The main point of my suggestions is to provide for enforcement of the intent of Bill 3-16, to insure that all members of Montgomery County boards, committees, and commissions take the required training. I suggest this be done within 90 days if they are currently serving or within 90 days of future appointees, and that their service terminate if they do not comply with these requirements. I

also suggest adding coordination with the Maryland Association of Parliamentarians (MAP) as that will assist with the implementation of the training in how to be a more effective chair or member of a group. I am the president of MAP.

Thank you for your consideration of my suggestions.

Paul M. Bessel
besselpaulm@comcast.net

Comments, dated June 14, 2017, of Paul M. Bessel in response to:

**MCER NO. 10-17: PROPOSED OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER
REGULATION**

**Parliamentary and Maryland Open Meetings Act Training for Members of Boards,
Committees and Commissions**

SUMMARY: This regulation establishes standards for training members of boards, committees and commissions on the Maryland Open Meetings Act and basic parliamentary procedure.

COMMENTS: Written comments must be submitted by June 30, 2017, to Connie Lathan, Office of the County Executive, Executive Office Building, 101 Monroe Street, 2nd Floor, Rockville, Maryland, 20850; 240-777-2548; Email: connie.latham@montgomerycountymd.gov



I support implementation of these Regulations to put into effect the provisions of Council Bill 3-16. A copy of my testimony in favor of that bill is attached.

I recommend the following changes in Section 2. Standards —

B. Parliamentary Training

Item 1 should be "Robert's Rules of Order Newly Revised, Latest Edition (RONR)."

The proposed change in Section 1 is recommended because that is the official designation of that book.

The following items should be added:

8. minutes - what should and should not be included
9. how to chair a meeting
10. myths about parliamentary procedure and facts about it

Training in parliamentary procedure should be done in consultation with the Maryland Association of Parliamentarians.

The proposed changes in Section 2 should be made because minutes, chairing a meeting, and knowing myths and facts are important to know for members of Montgomery County boards, committees, and commissions.

In addition, Section 3.B. should be added (with the currently proposed language renumbered as 3.A., to read as follows:

3.B.

The requirements of these regulations shall apply to all currently-serving members of county boards, committees, and commissions. Currently-serving members must complete these requirements within 90 days of implementation of these regulations.

The requirements of these regulations shall apply to all new members of county boards, committees, and commissions. New members must complete these requirements without 90 days of their appointments.

Failure to complete the training requirements of these regulations shall result in removal from the board, committee, or commission, on which the person serves.

Before the Montgomery County Council

**Bill 3-16, Administration - Boards, Committees, and Commissions
- General Amendments**

Hearing on Tuesday, March 22, 2016, at 1:30pm

Written Testimony of Paul M. Bessel — Support with an Amendment

I am testifying in support of Bill 3-16 with a very important amendment.

My name is Paul M. Bessel. I live in Leisure World of Maryland but I am testifying only as an individual, not representing any group.

I support everything that is in Bill 3-16, but urge the Council to add to it. My wife and I have attended a number of meetings of BCCs in Montgomery County and we find, almost without exception, that the members of BCCs could benefit from training so they can properly perform their duties on the BCCs. I urge the Council to insert the following training requirements in Bill 3-16:

The first part of the training should be a requirement that all members of BCCs take the same training that might be required of the people they regulate. For example, the CCOC has developed a training program for members of boards of directors of condominium and homeowner associations. The members of the CCOC should be required to take the same training, and the same should apply to any other BCCs that have may training programs for others.

The second part of the training should be a requirement that all BCC members thoroughly know and understand the laws they administer. The portion of the training could be provided by the County Attorney's staff.

The third part of the training should consist of a basic course in how to be the chair or a member of a BCC. This is especially true for BCCs that might hold hearings. It should be fairly easy to develop a training program in how to chair and be a productive member of BCCs and to do whatever might be required during their service on that BCC. Those who have had this duty in the past probably would be willing to work on the training program. If not, I would be happy to volunteer to assist.

The fourth part of the training should consist of requiring all members of BCCs to take the online course in Open Meetings that is provided online by the Maryland Attorney General's office. Maryland law requires that one member of each public body, or its staff, take this Open Meetings training. I propose that every member of Montgomery County BCCs be required to take this training. There is no reason why this training requirement should not apply to all members of BCCs. They should all be knowledgeable about laws that apply to their work on BCCs. The Attorney General's office training on Open Meetings

is said to take about 2 hours to complete and is actually fun to do.

The fifth part of the training should be how to run and participate in meetings efficiently using parliamentary procedure. I have attended meetings of Montgomery County BCCs and can say from first-hand knowledge that BCC meetings do not consistently follow Robert's Rules of Order with its rules that insure efficient, speedy, and effective meetings and protection for majorities, minorities, and individual members. For example, at one CCOC meeting that we attended the chairperson said there should be discussion of a subject before a motion could be made. The correct answer is exactly the opposite. I also saw a chairperson clearly invoking the informal procedures for committees but then refusing to allow a motion to go to discussion for lack of a second, even though a second is not required under informal procedures.

There is an organization in Maryland that could assist with this training on how to run meetings properly using Robert's Rules of Order. It is called the Maryland Association of Parliamentarians, or MAP. As the current President of MAP, I have consulted with the other MAP officers who are able and willing to supply this training to all Montgomery County BCC members at no cost to the county. MAP has provided training for other government groups and could do so for BCCs.

Conclusion

The only possible argument that might be made against requiring a training program for every member of all BCCs is that it might be seen as burdensome and reduce the pool of volunteers willing to serve on BCCs. The response to this is that each member of a BCC is volunteering to spend hundreds or thousands of hours helping our county through service on a BCC. All I am suggesting is that they spend a few more hours learning how to do their jobs more efficiently. This should be welcomed by members of BCCs as well as all county citizens.

Please note that I am not recommending that failure of a BCC member to take the required training be subject to any serious penalty. All I am suggesting, is that those who refuse to take the necessary training be prevented from continuing to serve on the BCC. Since the public has a right to expect all BCC members to be knowledgeable about the work they are expected to do, this is a reasonable suggestion.

Resolution No. _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: Council President on behalf of the County Executive

SUBJECT: Approval of Executive Regulation 10-17, Parliamentary and Maryland Open Meetings Act Training for Members of Boards, Committees, Commissions, and Committees

Background

1. On November 30, 2017, the County Council received Executive Regulation 10-17, *Parliamentary and Maryland Open Meetings Act Training for members of Boards, Commissions and Committees*.
2. This regulation establishes standards for training members of boards, commissions and committees on the Maryland Open Meetings Act and basic parliamentary procedure.
3. The Council must review the regulation under Method (2) of Section 2A-15 of the County Code.
4. Under Method (2), if the Council does not approve or disapprove a regulation with 60 calendar days after the Council receives the regulation, the regulation automatically takes effect.
5. On January 16, 2018, the Council extended time for action on Executive Regulation 10-17 to June 30, 2018.
6. On {DATE}, Government Operations and Fiscal Policy Committee reviewed the proposed regulation and recommended {approval/disapproval/approval with amendments}.

Action

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

Executive Regulation 10-17, Parliamentary and Maryland Open Meetings Act Training for Members of Boards, Committees, Commissions, and Committees is {approved/disapproved/approved with amendments}.

This is a correct copy of Council action.

Megan Davey Limarzi, Esq., Clerk of the Council

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