

The Town of Upper Marlboro

RESOLUTION: 2019-02 **DRAFT 1**
SESSION: Regular/Special Town Meeting
DATED: _____, 2019

A RESOLUTION FOR THE ADOPTION OF NEW RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.

WHEREAS, the Board of Commissioners for the Town of Upper Marlboro (the “Board”) must meet and follow the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

WHEREAS, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

WHEREAS, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that he may vote on any questions before the Board; and

WHEREAS, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as thereafter provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

WHEREAS, the Board intends to repeal and re-adopt its rules for the conduct of meetings as stated hereinbelow; and

WHEREAS, the Board of Commissioners further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of procedure for the conduct of meetings and regulations for public meetings:

ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority 4
1.2 Applicability 4
1.3 Amendment 4
1.4 Recession and Suspension of Rules 4

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICIES

2.1 Meetings Shall be Public; Open Meetings 4
2.1. Maryland Open Meetings Act 5
2.2 Regular Meetings 5
2.3 Work Sessions 6
2.4 Special Meetings 6
2.5 Emergency Meetings 6
2.6 Closed Sessions 6
2.7 Recessed Meetings 7
2.8 Information Meetings 7
2.9 Public Hearings 7
2.10 Roll Call and Attendance 7
2.11 Quorum 7
2.12 Loss of Quorum 8
2.13 Conflict of Interest 8
2.14 Presiding Officer 8
2.15 Place of Meeting 9
2.16 Notice of Meeting 9
2.17 Conduct of Meetings 9
2.18 Dissents and Protests 9
2.19 Courtesy, Decorum, Conduct & Order 10
2.20 Board May Discipline its Own Members 12
2.21 Motions 12
2.22 Other Procedural Motions 13
2.23 Rules of Discussion of Pending Questions 14

ARTICLE 3. VOTING

3.1 Voting Rules 14
3.2 Voting Disqualification 14
3.3 Tie Votes in Filling Vacancy 15

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings 15
4.2 Record of Meetings 15

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules 16
5.2 Enforcement of Rules & Procedures 16

ARTICLE 6. THE AGENDA

6.1 Agenda 16
6.2 Order of Business 17

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose 18
7.2 Agenda 18
7.3 Documents and Exhibits Presented 18
7.4 Technical Questions 18
7.5 Audience Comments or Questions 18

ARTICLE 8. GENERAL

8.1 Commissioner Requests 18
8.2 Commissioner Requests for Funding 19
8.3 Use of Staff Resources 19

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or Position by the Board or President 19

[Remainder of page intentionally left blank.]

ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority

Section 82-9 of the Town Charter of the Town of Upper Marlboro, Maryland, grants the Board of Commissioners (the “Board”) the right to determine its own rules of procedure, and the following rules are enumerated under and by authority of said provision.

1.2 Applicability; Robert’s Rules

The rules of procedure adopted by the Board are applicable to Town Board of Commissioners meetings. Should these rules be silent or inapplicable on a matter of procedure then the latest edition of Robert’s Rules shall control.

1.3 Amendment

These rules may be amended, or new rules adopted, by a majority vote of the members of the Board present.

1.4 Recession and Suspension of Rules

A motion to suspend these rules and procedures may be brought pursuant to a majority vote of the members of the Board present.

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES

2.1 Meetings Shall be Public; Open Meetings

A. A meeting occurs when a quorum of the Board convenes to consider or transact public business. Pursuant to Section 82-8 of the Town Charter, a quorum is a majority of the Board’s elected membership, or two (2) commissioners. However, no ordinance shall be approved, nor any other substantive action taken unless the measure or action is approved by at least two (2) commissioners.

B. All meetings of the Board shall be governed by the Maryland Open Meetings Act and shall ordinarily be public, and notices thereof shall be posted as provided under the Maryland Open Meetings Act, General Provisions Article, Title 3, Annotated Code of Maryland, Section 3-302, stating that except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the body from meeting in closed session as outlined in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. *The Maryland Open Meetings Act, Chapter 3-A-The right*

to "attend" a meeting, Section 3- 303(a) provides, "[w]henver a public body meets in open session, the general public is entitled to attend." This means that members of the public may come to a meeting and observe it and not necessarily speak at the meeting unless the Charter or the meeting rules state otherwise. This includes any motion being considered to close a meeting, where the Act does not permit the public generally to be entitled to speak (City of New Carrollton v Rogers, 287 Md 56, 72 (1980) (While the Act does not afford the public any right to participate in the meetings, it does assure the public the right to observe the deliberative process and the making of decisions by the public body at open meetings). So, unless the public body is governed by laws that require the particular body to receive public comment, the decision of whether to allow members of the public to speak is up to the public body. Pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question, but that right is during the designated period. Ordinarily, the management of the public comment period is up to the presiding officer. See, e.g. 9 OMCB Opinions 232, 233 (2015) (stating that the Act does not regulate the presiding officer's decisions on whether to allow a member of the public to speak). Complaints about the manner in which a presiding officer conducts a public comment period thus do not state Open Meetings Act violations. 8 OMCB Opinions 84, 85 (2012).

2.2 Regular Meetings

A. Regular meetings. The newly elected Board shall meet at 8:00 p.m. on the first Monday following its election for the purpose of organization, including electing a President and appointing a Treasurer, after which the Board shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings may be called upon the request of the President or a majority of the members of the Board. All meetings of the Board shall be open to the public, except that the Board may, by majority vote, meet in closed session for any purpose then authorized by State law; and, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question.

B. Regular Town Meetings of the Board of Town Commissioners are held on the 2nd Tuesday of each month at 7:00 p.m. at the Town Hall. Regular Town Meetings are open to the public and time is provided on the agenda for public comment.

C. The Board also conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action.

2.3 Work Sessions

A. Purpose. The Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Board. *The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Amendments, other legislation or formal (written) resolutions, should not be done at a work session, unless the rules are suspended.*

B. The Board conducts Work Sessions, which are open to public observation only, but participation is at the discretion of the Board. Board Work Sessions are conducted on the 4th Tuesday of each month at 7:00 p.m. Work sessions, like special or emergency sessions, are not regular meetings and no opportunity need be provided under Section 82-6 of the Charter for citizens to speak. See also Maryland Open Meetings Act, Chapter 3-A- The Right to "attend" a meeting, Section 3-303(a).

2.4 Special Meetings

Occasionally, the Board will call a Special Meeting, or, an Emergency Meeting should a timely business item need immediate action. Special meetings may be called upon the request of the President or a majority of the members of the Board.

2.5 Emergency Meetings

A. In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media, as applicable should any member of the media regularly attend Town meetings, and the public by electronic or website notification.

B. An emergency meeting is a type of special meeting. An emergency ordinance may be introduced and passed at any public meeting of the Board provided the rules allow it or are properly waived.

2.6 Closed Sessions

The Board may close a meeting to the public by a vote in open session under the circumstances, conditions and for reasons set forth in the Maryland Open Meetings Act, Closing a Meeting - Section 3-305-306 (c). Notice of Closed Sessions shall be given as required by law. Closed sessions also encompass executive or administrative sessions of the governing body or joint meetings with staff. An executive or administrative session may be convened and closed to discuss the implementation of existing law, or policy or the discussion of pre-decisional administrative matters only and may not delve into policy or legislative or administrative rule making.

2.7 Recessed Meetings

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion agreed to by the Board.

2.8 Information Meetings

The Board may hold information meetings to present information to, and obtain feedback from, residents of the Town. The Board will determine the rules governing presentations at such meetings. Information meetings are similar to public hearings but are not mandated by law.

2.9 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The President/Mayor shall first request staff comments. The Mayor shall open the public hearing and receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Commissioners may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the President may close the public hearing. The Board may deliberate or take action on the matter at hand upon the closing of the public hearing, provided the closure is permitted by the Md. Open Meetings Act.

2.10 Roll Call and Attendance

- A. A majority of the members of the Board then in office shall constitute a quorum.
- B. Before the Board proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, members must be physically present at the Board's chamber dais to vote. Proxy or absentee voting is not permitted. Participation by telephone is permitted provided a meeting is physically conducted at the designated public meeting place.

2.11 Quorum

- A. Majority of the members elected to the Board shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or rule.

B. The affirmative vote of a majority of the members elected to the Board shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter, or regarding the attendance of absent members, may be adopted by a majority of the members present.

C. No member shall be excused from voting except as required by law or on matters involving the consideration of his or her own ethical conduct or conflict of interest.

2.12 Loss of a Quorum

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the President or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. A member of the Board has a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Board shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the President or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the President or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Board shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Board member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

2.13 Conflict of Interest

A. A Board member prevented from voting by a conflict of interest shall file a conflict of interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Board member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Board's deliberation of the matter in any way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in the Town of Upper Marlboro Public Ethics Ordinance (Ord. 2016-04), as amended.

2.14 Presiding Officer

A. The President/Mayor shall serve as the Presiding Officer for all meetings of the Board. In the absence of the President, the senior Commissioner by time in office shall serve as the Presiding Officer. In the absence of a senior Commissioner, the clerk to the board shall

call the meeting to order if a quorum of the Board is present and the first order of business shall be for the Board to elect by majority vote, a temporary Presiding Officer from the members seated and in attendance. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

2.15 Place of Meeting

All meetings of the Board, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Board of Commissioners' Chambers. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place.

2.16 Notice of the Meeting

Written notice of all public meetings of the Board shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and Cable Channel, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

2.17 Conduct of Meetings

Commissioners shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Board may speak when called upon or authorized.

2.18 Dissents and Protests

Any member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Board and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

2.19 Courtesy, Decorum, Conduct and Order

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the President/Mayor (and members of the Board) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

- A. Before a Board member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public

comments will be limited to three (3) minutes or s determined by the presiding official. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant or slanderous remarks may be barred by the Mayor from further comment before the Board during the meeting. Audience members who wish to speak during an agenda must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, inappropriate, disrespectful, redundant, or slanderous. The Maryland Open Meetings Act-Section 3-303 allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.

- B. If a person fails to request to speak before speaking, the Mayor shall rule them “out of order” and remind them that they do not have the floor. While the Board of Commissioners is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Board meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.
- C. Every person desiring to speak shall address the entire body and shall not single out a member of the Board, the audience or a staff member and confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- D. With a “call for orders of the day,” this is simply another way of saying, “let's return to the agenda.” If a Board member believes the discussion has strayed from the agenda, this motion may be raised. The motion does not require a vote. If the presiding officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- E. A member indulging in any language or conduct unbecoming a Commissioner shall be called to order by the presiding officer and, in such case; the offending member shall lose the floor and shall not proceed without the approval of a majority of the members present. The Board may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Board rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Board.
- F. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Board appointee(s) at a public

open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or a Closed Session of the Commission may be requested to discuss the personnel matter.

- G. Members of the Board acting in their capacity as Commissioners shall not take positions on either national or foreign political issues that do not affect the Town.
- H. Demonstration or Disorder Among Bystanders - If any confusion, demonstration or disorder arises in the Board Chambers, the presiding officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the Chambers. If any member of the Board shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.
- I. Members of Staff - The Chief Operating Officer, Chief of Staff and Town Clerk shall have the right to take part in the discussion of all matters coming before the Board, and other members of staff shall be entitled to take part in discussions of the Board relating to their respective offices.
- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Board of Commissioners according to procedures established by the Board.
 - 1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in.
 - 2. Each speaker is limited to one presentation per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
 - 3. If the subject matter does not pertain to Town business the Mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed.
 - 4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.

5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Board would have the authority to act upon if brought forth as an agenda item.
6. The Board may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
8. No placards, banners or signs may be displayed in the Board chambers or Town Hall. Exhibits relating to a presentation are acceptable.
9. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda, or that are municipal issues.

2.20 Board May Discipline its Own Members

A. In the event a Board member violates the Charter, an ordinance, these rules or any other law or regulation of the Town or acts in a manner that causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Board of Commissioners by majority vote of its members may discipline the offending member.

B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Board of Commissioners or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.

C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:

1. *No Action.* The Board chooses to take no action.

2. *Private Censure.* The Board may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the

confines of the closed session.

3. *Public Censure.* The Board may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member's personnel record along with any formal resolution.

D. Town elected officials alleged or found to be in violation of the Town's Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

2.21 Motions – when reduced to writing

Every motion or proposition shall be reduced to writing on the call of any member, and should a motion be made and seconded shall be deemed in possession of the body and shall be read by the Town Clerk before debate and may be withdrawn at any time previous to the vote being taken.

2.22 Other Procedural Motions

1. *Motion to Adjourn* - This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.
2. *Motion to Recess* - This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
3. *Motion to Table* - This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Board of Commissioners meeting.
4. *Motion to Remove from the Table* - This motion, if passed, allows the Board to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the body can take action on an item that was tabled.
5. *Withdraw a Motion* - During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to

withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Board members are free to make the same motion or another motion.

2.23 Rules of Discussion of pending questions

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

ARTICLE 3. VOTING

3.1 Voting Rules

A. When a question is put, every Board member present shall vote either in the affirmative or a negative, or abstain if there is a conflict of interest on the matter being voted on before the Board of Commissioners. Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.
3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a “roll call” by the Town Clerk and shall be stated as a “yea” or “nay.” A record of the “yeas” and “nays” shall be entered upon the minutes of the proceedings of the Board.

3.2 Voting Disqualification.

A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.

B. A member shall openly state an abstention due to a conflict of interest or bias.

- C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

3.3 Tie Votes in Filling Vacancy

In the case of a vacancy under Section 82-32 of the Town Charter in the office of President and the remaining two elected members of the Board cannot agree on a successor to temporarily fill the office of President, then the Board member receiving the highest number of votes in the most recent general election shall become the Interim President/Mayor until the vacancy can be filled by a majority after a special election.

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, *minutes shall not be available until approved by the Board in a regular meeting.* Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law *shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Board.*

4.2 Record of Meetings

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work session of the Board of Commissioners and for maintaining the official record, which shall include all Board actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Board of Commissioners.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Board of Commissioners and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Board and shall have received preliminary approval of the Town Board at such meeting.

5.2 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the President/Mayor under his or her own action, or upon a motion to enforce by any Board member.

- A. *Warning*- The President/Mayor may order any person (Board member, staff member or audience member) in violation of these rules to be silent.
- B. *Removal* - If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding officer may order the person to leave the meeting. If the person does not leave the room, the President/Mayor may have the individual removed by the Police.
- C. *Motion to Enforce*. Any Board member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the President/Mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.
- B. The President shall include on the agenda any item at the request of any member of the Board, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda.
- C. At least two days before each regular meeting, the Town Clerk shall provide each member of the Board a copy of the agenda for the forthcoming meeting, together with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.
- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that

the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.

- E. Copies of the agenda shall be posted on the Town website and on the bulletin board in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Board meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Board of Commissioners at the beginning of the meeting. Items on the agenda can be reordered by the Board during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Board may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Board at the beginning of the meeting. Items on the agenda can be approved by the Board during the scheduled meeting.
- I. Agendas for Regular Meetings and Work sessions shall be published at least one business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business

The Town's governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- I. Call to Order
- II. Opening Prayer (non-denominational) or moment of silence
- III. Pledge of Allegiance
- IV. Approval of Minutes/Agenda
- V. Public Comments
- VI. Commissioner Reports
- VII. Staff Reports
- VIII. Unfinished Business
- IX. Financial Business
- X. New Business
- XI. Adjournment

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

The President or Board may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Board of Commissioners. *The work session is a meeting subject to the Open meetings Act. However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session.* The following rules shall prevail for the call and conduct of work session meetings.

7.2 Agenda.

Only a limited number of matters shall be considered by the Board during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

7.3 Documents and Exhibits to be Presented.

When possible, staff shall make available to the Board all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least 48 hours before the beginning of the session.

7.4 Technical or Legal Questions.

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Commissioners may, through the President, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof, like any other public meeting, may be closed to confer with legal counsel, staff or other experts as permitted by the Md. Open Meetings Act.

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a work session.

ARTICLE 8. GENERAL

Commissioner Requests

8.1 Commissioner Requests

Commissioner requests that deal with policy issues and Commissioner requests that may be construed as direction or orders shall be directed to the President or her designee, except for general inquiries or questions involving constituent services, in which case the Commissioners may go to the Chief of Staff, Chief Operating Officer, Chief of Police or Superintendent of Public Works provided such subordinate contact is reported to the Chief Operating Officer.

8.2 Commissioner Requests for Funding

Commissioner requests requiring funding must go through the President and Treasurer. The President or his or her designee, and Treasurer shall respond in a timely manner.

8.3 Use of Staff Resources.

A request for use of staff time, other than standard requests for information from department heads, by a Commissioner must be made through the Chief Operating Officer unless already approved by the Board of Commissioners.

ARTICLE 9. PUBLIC STATEMENTS BY COMMISSIONERS

9.1 Representation or position by the Board or President.

When the individual Commissioners give a public statement in their elected capacity on an issue affecting the Town, the Board member shall first identify the adopted position of the Town Board of Commissioners with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or opposing viewpoint), provided the Board member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the President/Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

ATTEST:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Clerk

Wanda Leonard, Commissioner

Date

Linda Pennoyer, Commissioner

CLERK'S CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation this _____ day of _____, 2019.

M. David Williams, Town Clerk

Proposed Resolution Timeline:

Introduced/discussion tabled to next WS:	February Regular Town Meeting	02/12/2019
Board Discussion:	February Board Work Session	02/26/2019
Public Comment & Discussion:	March Regular Town Meeting	03/12/2019
Public Comment & Board Discussion:	March Board Work Session	03/26/2019
Passage/Board vote:	April Regular Town Meeting	04/09/2019