

MAYOR AND COUNCIL RULES AND PROCEDURES  
DRAFT ONE, April 30 2020  
Councilmember Micah Watson, Ward 2  
Councilmember Nicole Bryner, Ward 3

SECTION 1 – AUTHORITY AND ADMINISTRATION

A. Authority

- a. The Council may determine its own rules and order of business as authorized by the Charter and Code of the Town of Cheverly. The Mayor and Council Rules of Procedure shall be in effect upon adoption of the resolution by the Mayor and Council and remain in compliance with the Charter and Code of the Town of Cheverly and the Constitution and laws of the State of Maryland.
- b. These Rules shall govern the order and conduct of deliberative and legislative meetings of the Mayor and Council and related Council work.
- c. The Mayor and Council (“The Council”) consists of:
  - i. The Mayor, who shall only vote in the instances specified in Section XX of the Town Code;
  - ii. The six Council Members, elected or appointed to represent their respective wards; and
  - iii. The Town Administrator (non-voting)

B. Administration

- a. Within two weeks of town elections (or after a new Member is appointed outside of the election cycle), orientation shall be provided to newly elected Council Members to discuss the role of Council, review meeting procedures, and give an overview of the Town Budget. Newly elected Members shall be provided with a hard copy of the Town Charter, Code, and Budget.
- b. The Council shall review and readopt these rules, with or without amendments, within sixty (60) days following the regularly scheduled biennial election of Council Members.
- c. The presiding officer (see 2B) is responsible for ensuring that all Council Members, Town staff, and members of the public adhere to these Rules.
- d. Any Council Member may request that the presiding officer enforce these Rules.

C. Suspension

- a. Any rule contained herein may be suspended by five affirmative votes of Members present.

D. Decorum

- a. Elected officials, Town staff, and members of the public are expected to conduct themselves with decorum during meetings and to refrain from personal attacks. The presiding officer is responsible for ensuring that decorum is maintained.

E. Amendment

- a. These Rules may be repealed and readopted, with or without amendments, only once in any two-year period as provided in paragraph B.

SECTION 2 – CONDUCT OF MEETINGS

A. Frequency and Type

- a. Meetings shall be scheduled in accordance with the Charter and Code of the Town of Cheverly and in compliance with the Open Meetings Act of the State of Maryland.

**Commented [LR1]:** Unless this is required under the Charter (I don't believe it is addressed), I would make a few suggestions. Rather than two weeks, I would suggest something along the lines of “at the next regularly scheduled worksession” or even “at a special orientation session, to occur no later than two weeks from swearing in Strike election for “having been sworn in” to address recount, appointment, etc. This provides for Mayor and Council to engage as a body. I had wanted for us to meet department heads, committees, go over rules and procedures, budget orientation, key issues before the Town etc., as part of setting up Council for success.

**Commented [BNM2]:** (Munyeneh) Can we flesh this out I would love to say we know what this looks like but I don't think we do. Also, how shall order be restored if the presiding official is out of order?

**Commented [LR3]:** We need to begin with description/definition of the various meetings of the Mayor and Council, their provisions and their purposes (found in Charter).

- b. All portions of all meetings are open to the public unless some portion is closed in compliance with the Open Meetings Act of the State of Maryland.
    - i. The Town's seven elected officials bear primary responsibility for compliance with that Law.
    - ii. The Mayor, Town Administrator, and at least three Council Members shall be trained in Open Meetings Act compliance at least once during each Council term.
  - c. The Council will make every effort to schedule meetings on the second and fourth Thursday of every month.
  - d. Special meetings of the Council may be convened by the Mayor or by four Council Members, with 48 hours' notice given to the public and to Council Members. Special meetings shall consider only the one item on its agenda.
  - e. The Town Administrator shall ensure that every meeting of the Council is noticed to the public including on the Town's website and physically at the Community Center.
- B. Presiding Officer
- a. The Mayor shall preside at all meetings of the Council.
  - b. In the Mayor's absence, the Vice Mayor, elected in accordance with Section XX of the Town Code, shall preside for the duration of that meeting.
  - c. In the absence of both the Mayor and Vice Mayor from a meeting, the Town Administrator shall call the meeting to order and the remaining Council Members constituting a quorum shall elect a Mayor Pro Tem from among the Council Members present who shall preside for the duration of that meeting.
- C. Attendance and Quorum
- a. Quorum to conduct public business shall be the presiding officer and three additional Council Members.
  - b. The Town Administrator shall ensure that the Council operates and offers means of electronic participation for Council Members and the public.
  - c. Proxy voting is not permitted.
  - d. Town Minutes, prepared by the Town Clerk, shall be approved by the Council and shall reflect the attendance of Council Members during all agenda items on which a vote was taken.
  - e. The Mayor and Council shall favorably consider excusing the absence of the Mayor or any Council Member absent from the entirety of a meeting.
- D. Translation and Interpretation
- a. Meetings scheduled for the second Thursday of the month shall be simultaneously translated into American Sign Language for taping and broadcast or rebroadcast.
  - b. Requests for translation of published materials, or interpretation during meetings, in a spoken language other than English shall be favorably considered by the Town Administrator when the request is made at least 72 hours in advance of the meeting.

### SECTION 3 – MEETING AGENDAS

- A. Standing Agenda Items:
- a. Meetings shall include on the agenda:
    - i. Call to Order
    - ii. Pledge of Allegiance
    - iii. Approval of the Agenda
    - iv. Town Administrator's Report

**Commented [LR4]:** And shall make every effort to post the agenda and related materials by no later than the Friday preceding the meeting and shall post any changes or additions to the agenda and materials in a timely fashion.

**Commented [BNM5]:** (Munyeneh) I think the words "virtually or in person" should be added for emphasis.

**Commented [LR6]:** Regarding Council: Unless Council can be viewed in participation and deliberation, this raises serious concerns. OMA, transparency, outside discussion, assurance of quorum. If we are able to responsibly move this forward, this should be very limited (two times out of the calendar year). Questions would also surround whether the Presiding Officer could lead the meeting remotely. Regarding public participation: I am aware of this being supported through offering email input by (for example— 2pm) the day of the meeting. The format adhering to the name and ward and restriction to no more than three (3) minutes. The mayor then reads these statements into the record after in-person resident input has concluded. Phone input is more difficult, considering possible impact on staff time. Supporting this in real time within the meeting presents stability challenges and has the potential to prolong/delay meeting schedules.

**Commented [LR7]:** Note to self--I think that we have fallen off on this with our Zoom calls. I need to double check that times of departure from meetings or absences from and returns to the virtual room are publicly noted.

**Commented [BNM8]:** Since this changes sometimes due to holidays etc, should we name these meetings rather than referring to them by which Thursday they're on? Legislative Meetings?

**Commented [LR9R8]:** These meetings are named as Town Meetings

**Commented [AF10R8]:** Can we refer to them as 2<sup>nd</sup> Thursday of the month : Town Meetings  
4<sup>th</sup> Thursday of the month : Work Sessions

**Commented [AF11R8]:**

**Commented [LR12]:** For clarity, I think that we should identify this as the Town Meeting.

**Commented [LR13]:** Would instead suggest that this read, "interpretation into American Sign Language for

**Commented [ER14]:** Meetings scheduled for the second Thursday of the month shall have simultaneous

**Commented [NB15]:** The hope here is twofold: That Council doesn't regularly vote on items which have not been discussed before, and that they don't vote on items which

**Commented [ER16R15]:** Agreed

**Commented [LR17]:**  
This is confusing.  
I would instead suggest this layout.

- v. Consent Calendar
  - vi. Action Items
  - vii. Discussion Items
  - viii. Agenda Items for Future Meetings
  - ix. Adjournment
- b. Meetings scheduled for the second Thursday of the month can additionally include on the agenda as appropriate:
- i. Approval of Prior Meetings' Minutes
  - ii. Police Chief's Report
  - iii. Public Works Director's Report
  - iv. Public Recognitions or Presentations
  - v. Resident Input
  - vi. Committee Reports
  - vii. Mayor and Council Announcements
- B. The Council shall encourage the public, to the greatest extent practicable, to participate in all portions of all meetings. As part of Council discussion of every specific topic, including any deliberation of a motion, residents seeking to speak will be recognized by the presiding officer, and may speak once for three minutes on that specific topic. Unused time may not be transferred to another speaker.
- C. The Council shall vote, and that vote shall be recorded by the Town Clerk, to approve the agenda; to approve prior meetings' minutes; to approve the Consent Calendar; to approve each individual Action Item; and to adjourn the meeting.
- D. Council Members shall vote in the affirmative or in the negative, or shall abstain, or shall vote present, on every vote for which they are present.
- E. The Mayor and the Town Administrator will jointly propose to the Council a written meeting agenda at least 72 hours in advance of any meeting.
- F. Council Member(s) desiring to add an item to the agenda shall (1) make that proposal verbally or in writing to the Mayor and Town Administrator at least 96 hours in advance of any meeting; or (2) propose adding the item to the agenda during the specific agenda section Approval of the Agenda. In the interest of transparency, proposed agenda items will be considered without partiality.
- G. The Mayor and Town Administrator will jointly write and publish the Consent Calendar, which shall consist of matters routine in nature and unlikely to prompt debate or inquiry. The Council may by simple majority remove an item from the Consent Calendar and vote it separately.
- H. Action Items require formal approval by the Council at the current meeting or specified future meeting. Action Items shall have been discussed at a previous meeting, in accordance with the Town Charter. The Town Administrator, and where necessary the Town Attorney, shall have provided to the Council his/their recommendation on each item. Every effort should be made to vote only on action items, which ideally have been previously discussed and listed in advance on the agenda.
- I. Discussion Items are important Town issues not requiring formal action by the Council in the next sixty days.
- J. During the specific agenda section, Resident Input, the presiding officer will call speakers to the podium in the order in which they requested recognition.
- a.
  - a-b. Speakers may speak for up to three minutes.
  - b-c. Unused time may not be transferred to another speaker.

**Commented [LR18]:** Shouldn't we also do the same for regarding the Worksession agenda?

**Commented [NB19]:** Highlighting as this is a change from practice of late.

**Commented [LR20R19]:** This is a significant departure from how Town Meetings have been structured. Is this intended for both Town Meetings and Worksessions? Is this proposing departure from the resident input item of the agenda? Will we be responding to resident input on every item? In Town Meetings, there is no response or engagement from the table. If we are looking to apply this to worksession, why would we then limit to one comment we are permitting residents to engage in the discussion? Within worksessions, we have (including in zoom) started around the table and then moved to residents outside the table—that distinction is important. In worksessions, I am loath to throttle community input to only one pass and also loath to encourage residents to feel the need to take three minutes, fearing that they have to prepare a speech rather than analyze and engage per what the discussion/presentation permits.

**Commented [AF21R19]:** So would this mean at town meetings, the residents would be given opportunity to speak other than in resident input?

**Commented [AF22R19]:**

**Commented [LR23]:** I think we need to discuss consent

**Commented [LR24]:** This (refer to above) is far too sho

**Commented [LR25]:** This timeline is too short as to

**Commented [LR26]:** This phrase simply doesn't connec

**Commented [BNM27]:** (Munyeneh) I think the time

**Commented [ER28]:** The exception being Agenda itemf

**Commented [AF29]:** Clarification: CM's are confined by

**Commented [AF30R29]:**

**Commented [LR31]:** Although it is likely understood, it

**Commented [NB32]:** Theoretically, this agenda section

**Commented [LR33]:** True. In fact, deviating from this f

**Commented [LR34]:** And/or legal counsel and/or opini

**Commented [ER35]:** I've noticed on several Hyattsville

**Commented [LR36]:** A few thoughts for discussion.

**Commented [NB37]:** We may want to consider time

**Commented [BNM38]:** (Munyeneh) I think this shoul

**Commented [LR39]:** Town Meeting

**Commented [LR40]:** The Presiding Officer will remind

**Commented [LR41]:** Speakers will be asked to give the

~~d.~~ The presiding officer will not respond to the input directly, and will not allow any Council Member to do so.

~~e.~~ The presiding officer will direct speakers to state their name and ward, to direct their comments to the Council as a body, and not to speak on a topic that appears on the agenda.

- K. During the specific agenda section Mayor and Council Announcements, the presiding officer will afford each elected official five minutes to speak. Unused time may not be transferred to another elected official. Formal Council business will not be conducted.

#### SECTION 4 – COUNCIL COMMITTEES AND ASSOCIATIONS

- A. The Mayor shall appoint volunteering Council representatives to Town organizations and bodies. Any Council Member may request that a Town organization or body have a representative appointed to it.
- B. The Council may by majority vote to establish an ad-hoc committee or working group.
- C. The Council shall clearly establish the parameters of any body created under paragraph B including its work plan, topics to be researched, membership, and reporting schedule.
- D. The Mayor and Town Administrator shall jointly agree on any staff or other administrative support provided to any body created under paragraph B.

#### SECTION 5 – REPRESENTATIONS

- A. The Mayor shall represent the decisions and policies of the Council in all forums.
- B. The Council may by majority vote grant to a Council Member or to the Town Administrator the authority to represent the decisions and policies of the Council.
- C. Paragraphs A and B shall not constrain an individual Council Member from expressing their opinion as their own in any forum. Individual Council Members will be careful to specify that their opinion is non-binding on the Town or the Council and not made on its behalf.

#### SECTION 6 – TOWN STAFF RESOURCES INCLUDING THE TOWN ATTORNEY

- A. The Town Administrator, serving concurrently as a non-voting member of the Council and as the chief operating officer of the Town, shall be the first point of contact for Council Members seeking information or action on any Town service, operation, or issue.
- B. The Mayor and the Town Administrator may, together or separately, seek legal advice from the Town Attorney and incur to the Town such cost as may be appropriate. Council Members may seek legal advice from the Town Attorney and incur to the Town such cost as may be appropriate.

~~B-C.~~

#### SECTION 7--SPECIAL RULES FOR ELECTRONIC PARTICIPATION BY MEMBERS OF COUNCIL.

A member of Council may attend a meeting of the Council through electronic communication as follows.

- A. Prior to the Meeting:
  - a. The Councilmember shall give notice to the Town Administrator of his/her desire to attend a meeting from a remote location and indicate from where the member will participate. Notice should be provided one week in advance when practicable.

**Commented [LR42]:** This should be placed first (see above)

**Commented [AF43]:** In the past, residents have been allowed to speak on topics that appear on the agenda. Is this a change because of the noted change above 3B?

**Commented [LR44]:** This has always created confusion, can explain how this is supposed to work and we can see how we might want to adjust.

**Commented [LR45]:** The Mayor or a majority of Council (only two committees can run concurrently) Clearly defined purpose. Only for designated time, not to exceed 6 meetings or six months. Disbanded after report given. No more than 8 members with no more than 2 Councilmembers.

**Commented [LR46]:** The Mayor holds this role and may authorize a Councilmember, Town Administrator, Staff Member, or Town Organization Member to represent.

**Commented [ER47]:** Should official town position be stated if a position differs by a council member?

**Commented [LR48]:** I have learned that this is not as simple as it may appear. Note to obtain Attorney advice and Charter check.

**Commented [BNM50]:** (Munyeneh) I believe should read Mayor and Council. I was shocked to learn the Mayor was not aware of how much we had paid the Town Attorney last year until our meeting in January. Having the TA be the point of contact (when practicable, of course there will be emergencies) will help keep our budget on track.

**Commented [LR49]:** Councilmembers should, as a common practice, copy the Mayor on constituent issues and requests sent to the Town Administrator (avoids overlap and confusion and assists in tracking (can expand upon this in discussion)).

**Commented [NB53]:** This is likely best served in a separate document.

**Commented [LR51]:** Mayor, Town Administrator, and Department Heads.

**Commented [BNM52]:** (Munyeneh) I'd like to add this as a section-A report of billable hours and person who requested the work for such billable hours shall be presented quarterly at a Town Session. If we are truly dedicated to transparency, we should make it easy for our constituents to see how we are spending their money.

**Commented [ER54]:** Should this include department heads as well?

**Commented [NB55]:** These apply, obviously, to a post-corona meeting environment.

- b. Upon receipt of notice, the Town Clerk will confirm that town staff is able to manage the request. Once confirmation has been received, the Clerk will note the remote participation on the Council agenda.
- c. Emergency requests due to illness, unexpected travel for work, or similar unforeseen circumstances will be accommodated when possible.

B. During the Meeting:

- a. The Presiding Officer will announce the member's remote participation at the beginning of the meeting.
- b. During roll call, the Councilmember shall respond that he or she is present.
- c. If the Councilmember leaves the meeting, he or she shall announce the departure unless the meeting has been paused for a break or has been adjourned. After a break, the Presiding Officer will confirm that the Councilmember is still present at the meeting.
- d. The Councilmember attending electronically shall ask for recognition from the Presiding Officer if he or she desires to speak.
- e. When a Councilmember is attending electronically, all votes taken during the meeting shall be by roll call. The vote of the remote participant must be audible.

C. Limitations:

- a. Remote participation will be limited by the technology available. No more than one member may participate remotely in a meeting unless a second member is needed in order to achieve a quorum. Requests shall be accommodated in the order that they are received.
- b. If the remote connection fails or the participating member cannot hear the proceedings or be heard by all those present, the Councilmember shall depart the meeting until the connection can be properly restored. In this event, the Presiding Officer will announce the departure and, when applicable, subsequent rejoining at the meeting.
- c. Electronic participation is always contingent upon the ability of staff to make arrangements for the voice of the remote participant to be heard by all persons at the meeting and for the remote participant to hear all Councilmembers in attendance.

**Commented [LR56]:** If this moves forward, this should be severely limited. I would suggest no more than two (2) times within a calendar year. I would also suggest that the Councilmember would not be able to introduce an item onto the agenda or take point on an item when attending remotely.

**Commented [LR57]:** Hearings (note to self)

**Commented [LR58]:** (Not yet proposing language on this simply for discussion) Meetings/worksessions for the year should be calendared out to include known items/seasons/needs. I've spoken on this before. It's how I handle managing nonprofits. Budget season is outlined, specific regular needs/votes and events.

**Commented [LR59]:** Also, setting aside however many meetings for budget, possibly helps us avoid overwhelming agendas.

**Commented [LR60]:** Other Council Rules and procedures have a window within the year for submitting agenda items and anything outside of that requires several sponsors and is brought to worksession when space is available.

There are other ways of addressing bringing items on the agenda that ask for an evaluation of the work involved, and for filing a form, etc. Will look to provide for discussion.

Outside of addition by Mayor and Town Administrator, any addition to the agenda must be approved by the Mayor or 2/3 majority of the quorum present (Mayor may count as the fifth vote for quorum).

**Commented [LR61]:** Devices should be addressed. No use during meetings, and notification if there is a need/instance of personal use.

Haven't this t sought to argue about this, but we should consider the following in our conduct.

The following conduct may disrupt a meeting and subject the offending member to sanctions under Robert's Rules (11th Edition) if the member refuses to obey a call to order

1. Speaking without being recognized by the presiding officer, when not in order
2. Interrupting speakers without proper reason
3. Carrying on a private conversation during a meeting
4. Asking questions or making comments not relevant to the business at hand
5. Involving personalities in comments
6. Making frivolous motions
7. Arguing with the presiding officer; making unnecessary points of order or appeals from rulings of the chair
8. Making political speeches
9. Refusing to abide by a legitimate ruling or order of the presiding officer

This is my agenda input for discussion by Council.

Two possibilities for discussion or maybe a meld between the two.

Distinguishes between different types of items added to the agenda.

**Information only item** After the meeting begins, an item, which does not require a vote or action of council may be added to an agenda. Council should follow the municipality's adopted rules of procedure for adding an item to the agenda.

**Action items with public comment** After the meeting begins, an action item, which is not a final action and for which public comment has been or will be received at a publicly noticed meeting, may be added to the agenda by a two-thirds vote of the members present and voting.

**Action item without public comment** After the meeting begins, an action item, which is a final action or for which public comment has not been or will not be received, may be added to the agenda by a two-thirds vote of the members present and voting and a finding of an emergency or exigent circumstances.

I really like this one for the avoiding of surprises and spirit of the open meetings act.

Outside of an addition to the Agenda brought by the Mayor or Town Administrator, additions may only be made to meeting agendas if all members are present or those not present sign a waiver of notice.

Under this approach, an item may be added to the agenda only if all members are present and the board determines in good faith that it is essential to discuss or act on the item immediately. This restriction avoids surprise and is consistent with the spirit of the open meetings act.