

MAYOR AND COUNCIL RULES AND PROCEDURES  
DRAFT TWO, JUNE 1, 2020  
Councilmember Micah Watson, Ward 2  
Councilmember Nicole Bryner, Ward 3

## SECTION 1 – AUTHORITY AND ADMINISTRATION

### A. Authority

- a. The Town 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 Town Council (“The Town Council”) consists of:
  - i. The Mayor, who shall vote in the instances specified in C-11(B);
  - ii. The six Ward Council Members, elected or appointed to represent their respective wards; and
  - iii. The Town Administrator, who shall have no vote (C20).

### B. Administration

- a. At a special meeting scheduled within two weeks of one or more elected officials taking office town elections (or after a new Member is appointed outside of the election cycle), orientation shall be provided in order to discuss the role of Council, review meeting procedures, and give an overview of the Town Budget. Newly sworn in elected officials shall be provided with a hard copy of the Town Charter, Code, and Budget.
- b. The Town 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 elected and appointed officials 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 Town Council Members present and voting.

### D. Decorum

- a. Elected and appointed officials and members of the public are expected to conduct themselves with decorum during meetings and to refrain from personal attacks.
  - i. The presiding officer is responsible for ensuring that decorum is maintained.
  - ii. Ad hominem attacks, profanity, refusal to return to general order and to yield the floor to the presiding officer, and talking over others, will not be tolerated.

PROPOSAL TO ADD FURTHER definition to what constitutions decorum, or breach of decorum, and whether to create a sanction for an elected or appointed official who repeatedly breaches decorum. ALSO PROPOSAL TO EXPAND decorum beyond official meetings to include emails and other communication.

**Style Definition:** Comment Text

**Commented [LR1]:** Robert’s Rules of Order is the recognized authority as to any matter of procedure not covered by the Takoma Park Code or these procedures.

**Commented [LR2]:** Believe this is mistaken and TA is not part of M&C  
§ C-7. - Mayor and Council: Vesting of responsibility; restrictions.  
Except as otherwise herein vested by this Charter, the government of the town shall be vested in a Mayor and six (6) Councilmembers, the latter to be resident one (1) in each of the six (6) wards of the town.

**Commented [LR3]:** Need something like “and is vested with the authority” can’t hold responsible for without authority to.

**Commented [ER4]:** I’ve noted that some municipalities appoint the Town Administrator or Town Clerk as parliamentarian and reference Robert’s Rules as an alternate source of more detailed procedural rule provided that they are not in conflict with the rules of this document

**Commented [NB5]:** Some of these are very subjective. It’s pretty well established that BIPOC tend to be tone policed and accused of being too aggressive or emotional much more often and quickly. (See also <https://everydayfeminism.com/2015/12/tono-policing-and-privilege/>). “Will not be tolerated” is sort of simultaneously threatening and a little empty—what is the recourse/procedure here? It’s a slippery slope, and I think this language (and some of the resident feedback we’ve gotten) is problematic.

**Commented [AF6R5]:** Agree.

**Commented [ER7]:** Also found a couple of references to people using their personal devices to record a session as part of the rules of decorum. It might be obvious to some, but maybe a good thing to point out as it could impact decorum. Video & audio recording and photographing. Any person may record video, audio or photograph the proceedings of the Municipal Council. Such conduct should be unobtrusive so as not to interfere with the

**Commented [NB8]:** I would be interested in exploring this and would look to Mr. Galloway and/or Skip for examples of how this might work.

**Commented [AF9R8]:** So in essence this would add a layer of code of conduct for elected officials?

**Commented [KM10R8]:** I continue to be concerned about this as there are no mechanisms for which this can be achieved without being biased and culturally insensitive.

**Commented [ER11]:** I’ve noted several municipalities that have something similar to the following. I think this is bit severe for Cheverly, but is consistent with how many

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.

**Commented [ER12]:** The process to amend these documents is quite iterative. If something isn't working, it doesn't make sense to me to wait a full election cycle to amend it.

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.
- 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. Elected officials bear primary responsibility for compliance with that Law.
  - ii. The Mayor, Town Administrator, and at least three Ward Council Members shall be trained in Open Meetings Act compliance at least once during each Council term.
- c. The Town Council will make every effort to schedule meetings on the second and fourth Thursday of every month.
  - i. "Regular meetings" as envisioned in C-13(A1) shall generally be held on the second Thursday of every month.
  - ii. "Worksessions" as envisioned in C-13(A2) shall be held on the fourth Thursday of every month.
- d. Special meetings of The Town Council may be convened by the Mayor or by four Ward Council Members, with 48 hours' notice given by the Town Clerk to the public and to Town Council Members.

These rules of procedure of the council will be placed on the agenda of the first meeting of the council following the seating of the newly elected councilmembers for review and adoption. A copy of the rules adopted shall be distributed to each councilmember. The council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment

**Commented [ER13]:** Should we further elaborate closed meetings?

At a regular or special meeting, the councilmembers, may call a closed session under the conditions outlined in the Open Meetings Act of the State of Maryland. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

**Commented [ER14]:** I realize these may not fit in this section as scheduled meeting, but in researching similar rules and procedures, I've noted several municipalities that have a 3<sup>rd</sup> type of meeting called "Study Sessions" that could prove interesting, especially when we have a lot of topics before us. I suppose they would more closely align with a special meeting, but the idea being that there would be no votes taken.

B. PROPOSAL TO EXTEND the notification timeline to 72 or 96 hours vice 48.

- i. Special meetings shall consider only the one item on its agenda.
- ii. The Town Clerk shall notice the purpose of the meeting and the resultant agenda.
- iii. Unless the meeting is closed, public input shall be welcomed in accordance with 3C of these Rules.
- e. While C-13(A2) allows the Town Council to conduct the full range of town business at a Worksession, the Town Council will make every effort to take votes on substantive matters only during the Action Items portion of the Regular Meeting agenda.
- f. The Town Administrator shall ensure that every meeting of the Town Council is noticed to the public including on the Town's website and physically at the Community Center. The Town Administrator shall likewise publish the agenda including supporting documentation for every Town Council Meeting as early as is practicable.

Study sessions Upon the call of the mayor/president or the council and with appropriate notice to the councilmembers and to the public, the council may convene a work session devoted exclusively to the exchange of information relating to

**Commented [NB15]:** Given last week's incident where the special meeting was scheduled and announced without any prior notification to council or even a check of whether their schedules could accommodate it, should that be addressed here?

**Commented [AF16R15]:** Can this be done via email or only in open meeting?

**Commented [AF17R15]:**

**Commented [KM18R15]:** I remain adamant in the fact that the world is nimble. We have to be able to respond to it. Twenty four to forty eight hours is the required amount of time the federal government allows all stakeholders to

C. Presiding Officer

- a. The Mayor shall preside at all meetings of the Town Council (C-11B).
- b. In the Mayor's absence, the Vice Mayor 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 Ward Council Members constituting a quorum shall elect a Mayor Pro Temp from among the Ward Council Members present who shall preside for the duration of that meeting.

**Commented [LR19]:** I suggest we look at normal business vs. emergency and consult Skip on this.

D. Attendance and Quorum

- a. Quorum to conduct public business shall be the presiding officer and three additional Ward Council Members, participating virtually or in person.

**Commented [LR20]:** This needs structure. The best practice in our area appears to consistently be a week+1day for posting of agenda, with some municipalities noting support for adding to materials up to 48 hours before the meeting.

- b. The Town Administrator shall ensure that the Town Council operates and offers means of electronic participation for Town Council Members and the public.
  - c. Proxy voting is not permitted.
  - d. Town Minutes, prepared by the Town Clerk, shall be approved by the Town Council and shall reflect the attendance of Council Members during all agenda items on which a vote was taken.
  - e. The Town Council shall favorably consider excusing the absence of the Mayor or any Ward Council Member absent from the entirety of a meeting.
  - f. Elected and appointed officials shall make every effort to refrain from using electronic devices during meetings, and shall notify the presiding officer if such use is necessary.
- E. Translation and Interpretation
- a. Regular Meetings (C13A1) shall be simultaneously interpreted 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.

**Commented [LR21]:** We should discuss. OMA is clearly one driver. Another is the role of minutes. Yet another is leaving community feeling that we are disconnected. Many know how it feels to watch or testify before bodies that never raise their eyes from their devices. Accommodation would be a clear exception.

**Commented [NB22]:** I would push back on this, as I think it would be extremely helpful to be able to type notes rather than hand-write. If the goal of adding this is to restrict other forms of communication, let's be transparent about that.

**Commented [AF23R22]:** I would love to use a laptop and also don't need to have my usage of my phone policed. If I need it to be reached by family or other emergencies, or to look up info pertaining to things we discuss, I shouldn't have to ask permission

**Commented [KM24R22]:** Negative. This is a relic from past Councils that we should not have to be subjected to. We all have families who are subject to emergency. We are also not children. Each person should be able to determine what is prudent. If electronic devices are seen by constituents and they take issue, they can reach out to their individual Councilmembers.

SECTION 3 – MEETING AGENDAS

- A. Standing Agenda Items:
- a. Regular Meetings and Worksessions shall include on the agenda:
    - i. Call to Order
    - ii. Pledge of Allegiance
    - iii. Approval of the Agenda
    - iv. Town Administrator's Report
    - v. Consent Calendar
    - vi. Action Items
    - vii. Discussion Items
    - viii. Agenda Items for Future Meetings
    - ix. Adjournment
  - b. Regular Meetings 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

**Commented [LR25]:** I thought I noted this last time? I would change this to recording or some other more representative/functional term. We should discuss the extent to which we want to financial commit the Town, but our goal has been to extend ASL interpretation to any M&C broadcast meeting, as well as live captioning when supportable. We could speak to this as a goal/commitment as possible or leave for strategic plan discussion rather than her.

**Commented [ER26]:** Suggest the word "recording" or "digital recording" over taping.

**Commented [LR27]:** This would best be referenced simply as Worksession. That allows the TA and Mayor to review what's known for the next worksession Agenda and

**Commented [LR28]:** Love that you supported my request for this and I know that Dylan is on board as well. Hyattsville and some other area municipalities block off periods where no new legislation is introduced, except by TA and Mayor

**Commented [AF29]:** I love the idea of having a calendar to help us plan ahead

- B. The Mayor shall, during the first quarter of the fiscal year, publish an annual agenda calendar that includes budget, mandated hearings, seasonal, recognitions, and other anticipated significant demands on agenda bandwidth.
- C. The Town 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.
- a. Unused time may not be transferred to another speaker.

**Commented [LR30]:** If I correctly understand this to include Town meetings, we have a lot more work to do here. Will we follow every agenda item? How will we handle general resident input for items not on the agenda? Will v

**Commented [LR31]:** We need to discuss the role of Chat either here or under remote meetings. I both love the engagement, and have witnessed chat becoming its own meeting and moving from comment to Q&A. Thinking

- b. **With the consent of The Town Council, the presiding officer may allow a second pass around the room.**

- D. The Town 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.
- E. 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.
- F. The Mayor and the Town Administrator will jointly propose to The Town Council a written meeting agenda at least 72 hours in advance of any meeting.

**PROPOSAL TO CHANGE 72 hours to be the WEEK BEFORE the Thursday meeting. The ideal public posting of the agenda would be the Friday before, and in ~~(EE)~~ we're talking about sharing a draft schedule with Council, not with the public. This would ensure maximum transparency and preparation by CMs and the public. This would also mean pushing back the timelines in ~~(GF)~~ below.**

- G. 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. Proposed agenda items will be considered without partiality.

**PROPOSAL TO CHANGE 96 hours to 48 hours to account for rapidly changing circumstances. Agenda could not be published before Council Members submit agenda items. COUNTER PROPOSAL TO CHANGE 96 hours to nine days before the Thursday meeting, so that a finalized agenda can be published on Friday.**

- H. 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 **presiding officer, or the** Town Council by majority vote, may remove an item from the Consent Calendar and vote it separately.
- I. **Action Items** require formal approval by the Town 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 **or relevant advisory committee**, shall have provided to the Town Council their recommendation on each item.
- J. Discussion Items are important Town issues not requiring formal action by The Town Council in the next sixty days. **Discussion of items listed under Discussion Items shall be limited to fifteen minutes each.**
- K. During the specific Regular Meeting agenda section, Resident Input, the presiding officer will call speakers to the podium in the order in which they requested recognition. **The presiding officer will remind speakers of the rules for Resident Input including the need for decorum.**
  - a. The presiding officer will ask speakers to state their name and ward, to direct their comments to The Town Council as a body, and not to speak on a topic that appears on the agenda.
  - b. Speakers may speak for up to three minutes.
  - c. Unused time may not be transferred to another speaker.
  - d. The presiding officer will not respond to the input directly and will not allow any Council Member to do so.
- L. 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 Town Council business will not be conducted.**

**Commented [LR32]:** I am unwilling to limit discussion of worksession items to only one pass for the public. The presiding officer must have the opportunity to be flexible and responsive to the issue and community. Intent may otherwise, but impact is to stifle public comment.

**Commented [NB33]:** I don't like the dynamic this sets up council could have reasonable motives for not consenting but it invites the appearance of council wanting to stifle public input.

**Commented [AF34R33]:** Good point, I didn't consider

**Commented [KM35R33]:** Mayor and Council SHOULD be able to work together as a team. There should literally be a statement that starts with "without the consent of Council"

**Commented [LR36]:** Is this distinction purposeful? Minutes and agenda are often part of a consent calendar.

**Commented [LR37]:** Looking back to meeting notice. Is this intentionally repetitive? If so, we need to look at the week+1day and also address summaries and materials. Also I believe that this is more "in consultation with the Mayor" item.

**Commented [LR38]:** I disagree. The notice should be given to community a week (give or take our final decision) prior to the meeting. This supports good governance and transparency by affording community some time to engage issues and connect with Mayor and Council or ask questions of staff on the same. Short notice tells community that they are only observers to the process, when we want community to be participants.

**Commented [LR39]:** Discuss. Agenda items most often require prep. from staff. Even for an introductory discussion. This rapidly compromises staff productivity and can create unnecessary stress. This is why it's encouraged to bring items forward for future (month from) worksessions.

**Commented [NB40]:** Nine is a lot of days.

**Commented [AF41R40]:** agreed

**Commented [KM42R40]:** The best compromise I can give is 60 hours. Nine days is unreasonable.

**Commented [NB43]:** There was resident feedback that requested more clarity in terms of making a motion, prop

**Commented [AF44R43]:** This.

**Commented [ER45]:** Do we need to define voting and exceptions:

**Commented [ER46]:** Same goes for motions:

**Commented [LR47]:** 15 minutes is incredibly tight. We have not managed it for anything we've engaged under th

**Commented [AF48]:** So agenda item requests would not happen here, so during a town meeting, when would they

SECTION 4 – COUNCIL COMMITTEES AND ASSOCIATIONS

- A. The Mayor shall appoint volunteering Ward Council Members to serve as representatives to Town organizations and bodies. Any Ward Council Member may request that a Town organization or body have a Town Council representative appointed to it.
- B. The Mayor, or the Town Council by majority vote, may establish an ad-hoc committee or working group.
- C. Only two ad-hoc committees or working groups may run concurrently.
- D. The Town 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.

PROPOSAL TO DEFINE HOW LARGE any body can be, how long it can last, etc, rather than leave it to the Council to redefine each time it creates one.

- E. 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 Town Council in all forums.
- B. The Mayor may delegate to any Ward Council Member, the Town Administrator, any member of the Town staff, or any representative of a Town Organization, The Town 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 Town 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 Town 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 Town Council and as the chief operating officer of the Town, shall be the first point of contact for elected officials seeking information or action on any Town service, operation, or issue. Ward Council Members are encouraged to keep the Mayor apprised of all requests for information or action made to the Town Administrator.
- B. Elected officials and Town Department Heads may, together or separately, seek legal advice from the Town Attorney and incur to the Town such cost as may be appropriate. The Town Administrator shall provide to the Town Council on a quarterly basis an accounting of costs incurred for legal advice.

SECTION 7 – SPECIAL RULES FOR ELECTRONIC PARTICIPATION BY MEMBERS OF COUNCIL TOWN OFFICIALS

Any elected or appointed official may attend and participate in Town Council meetings, not more than twice per calendar year, through electronic communication.

- A. Prior to the Meeting:

**Commented [ER49]:** Should we list our existing groups, a brief overview of their function, and the terms of their membership? Or reference the terms for each group? This may be helpful for future councils to stay on top of their appointments.

**Commented [LR50]:** Discuss. This is confusing and would better be reserved for a discussion specific to Town and Community Orgs. It reads strangely. Transparency here is important.

**Commented [LR51]:** Agree, as long as not so tight as to stifle flexibility to the need.

**Commented [LR52]:** Again, looking to understand the inclusion of the TA as a member of Council. This may be something I'm missing? Otherwise, yes to first point of contact.

**Commented [LR53]:** Critical need. Currently, lack of Councilmember support for this has created some issues.

**Commented [AF54]:** Perhaps a system of some kind that has all requests in one file would be helpful as many requests by CM's overlap with others. It's also helpful to see what is happening in other wards that may effect my ward.

**Commented [LR55]:** Yes, but not a fit within M&C rules and procedures. Needs to be in TA doc and is in my draft for that.

**Commented [AF56]:** Helpful

- a. The elected or appointed official shall give notice to the Town Administrator of their 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.
  - 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 Town 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 elected or appointed official's remote participation at the beginning of the meeting.
  - b. During roll call, the elected or appointed official shall respond that he or she is present.
  - c. Elected and appointed officials shall make every effort to appear on camera at all times in order to assure continuing participation in the meeting.
  - d. If the elected or appointed official leaves the meeting, they 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 remote participant is still present at the meeting.
  - e. The Town Councilmember attending electronically shall ask for recognition from the Presiding Officer if he or she desires to speak.
  - f. When an elected official 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.
  - b. No more than one member may participate remotely in a meeting unless a second member two elected officials may participate remotely in any meeting unless a third elected official is needed in order to achieve a quorum.
  - c. Requests to participate remotely shall be accommodated in the order that they are received by the Town Clerk.
  - d. If the remote connection fails or the participating member cannot hear the proceedings or be heard by all those present, the elected or appointed official 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.
  - e. 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 [AF57]:** This seems to go against every video meeting security protocol and can also make it difficult at times for folks to see ASL interpreters/speaker videos if not highlighted. I'm unclear as to why this is necessary.

For closed meeting, this may be more necessary than for our open meetings but even that, perhaps is better a request than part of actual guidelines/policy

**Commented [LR58]:** I support taking this back to one.

**Commented [KM59]:** Two or more elected officials are participating remotely at this time. To assume the same cannot occur during non COVID times is unreasonable. People travel for work or leisure and may still want to commit to their civic duties. Why this would be an issue in 2020 when the entire world is working remotely is beyond me.

**Commented [LR60]:** Having copied the Mayor and TA