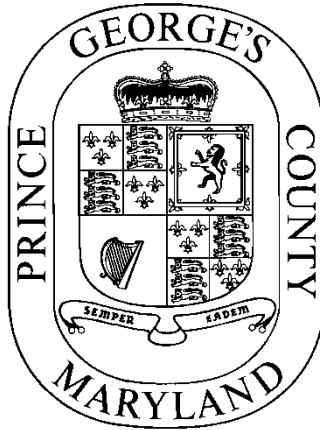


# THE COUNTY COUNCIL RULES OF PROCEDURE



(As Adopted by CR-1-1995 and Amended by CR-3-1996, CR-1-2008, CR-7-2008, CR-91-2016, CR-59-2017, CR-44-2018, CR-58-2020, CR-78-2023, and CR-89-2023)

October 2023



**RULES OF PROCEDURE**  
**FOR THE PRINCE GEORGE'S COUNTY COUNCIL**  
(As Adopted By CR-1-1995 and Amended by CR-3-1996, CR-1-2008, CR-7-2008,  
CR-91-2016, CR-59-2017, CR-44-2018, CR-58-2020, CR-78-2023, and CR-89-2023)

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# **RULES OF PROCEDURE FOR THE PRINCE GEORGE'S COUNTY COUNCIL**

## **1. SCOPE OF RULES.**

These Rules of Procedure apply to proceedings of the County Council sitting in legislative and business sessions and, where not otherwise provided by law, to the County Council sitting as the District Council or Board of Health. The Agenda and the Minutes for each meeting shall reflect the capacity in which the Council acts on Agenda items.

## **2. COUNCIL ORGANIZATION.**

### **2.1. Chair of the Council.**

(a) The Chair shall be the presiding officer of the Council and preserve order and decorum during the meetings and sessions of the Council.

(b) The Chair shall have general supervision of the County Council offices, hearing and conference rooms, and other building spaces designated or actually used by the Council to conduct its business and shall have the power to order any such place to be cleared or to have any person or persons removed after giving notice.

(c) The Council Administrator shall be the administrative head of the Council and shall have supervisory authority over all the Council employees, except those in the Aide to Council Member classification. The Council Administrator, the Clerk of the Council, the County Auditor, and the Chief Zoning Hearing Examiner shall exercise personnel control and supervision over their respective divisions. The Chair's actions on administrative matters shall be reported to the full Council in a timely manner and shall stand unless otherwise directed by a majority vote of the full Council.

(d) The Chair shall sign all acts, resolutions and subpoenas, and to all other written documents of, or issued by order of, the Council. In the absence of the Chair, the Vice Chair shall be authorized to sign in the place of the Chair.

(e) In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, the Council Members present shall elect a Chair Pro Tempore. The Presiding Officer shall have all the authority and voting rights of the Chair. If, after a meeting has commenced, it is necessary for the Chair and the Vice Chair to be absent from time to time, the Presiding Officer may designate a Member to temporarily preside at the meeting.

(f) The Chair may speak on points of order in preference to other members and shall decide all points of order. The Chair's decision shall be final unless it is reversed by a majority vote of Members present. The Chair shall be entitled to make and second motions and vote on all questions including an appeal from a decision on a point of order. Whenever the roll is called, the Chair shall be called first. The Chair may elect to vote first or last.

### **2.2. Committees.**

(a) All Council committees, committee Chairs and Vice Chairs shall be appointed by the Chair upon the advice and consent of a majority of the full Council.

(b) The following standing committees shall be appointed by the Chair at the beginning of the Chair's term of office:

- (1) Transportation, Infrastructure, Energy and Environment
- (2) Government Operations and Fiscal Policy
- (3) Planning, Housing and Economic Development
- (4) Health, Human Services and Public Safety
- (5) Education and Workforce Development
- (6) General Assembly

Each committee shall have five (5) members.

(c) The committee Chair shall cause to be distributed to all Council members an agenda of items to be considered at each meeting at least three days prior to the meeting. The agenda shall identify legislative items by bill or resolution number, followed by the last name of the sponsors and a short title.

(d) A quorum of three (3) committee members shall be required to act. All Council Members of the committee present shall be entitled to vote and all questions shall be decided by majority vote of those committee members present.

(e) Committee of the Whole. At the direction of the Chair, the Council shall sit as a Committee of the Whole. A quorum of six (6) members shall be required to act and all questions shall be decided by majority vote of those committee members present. When the Council convenes as the Committee of the Whole, the Administrator shall assign appropriate staff to record the action of the Committee of the Whole, and prepare any reports or amendments to be reported by the committee to the Council. So far as applicable, the Rules shall be observed when the Council is sitting as a Committee of the Whole.

### **2.3. Citizens Advisory Boards.**

Pursuant to Section 506 of the Charter, the Council may appoint such advisory boards of citizens as it may deem appropriate to assist in the consideration of County policies, programs, and legislative matters. Appointments to such boards shall be made by the Chair upon the advice and consent of a majority of the Council.

### **2.4. Disorderly Conduct During Committee Meetings.**

The chair of any committee shall preserve order and decorum in and adjacent to the meeting room while the committee is in session, and shall have the power to order any such place to be cleared.

## **3. RIGHTS AND DUTIES OF THE MEMBERS.**

### **3.1. Attendance.**

(a) By the adoption of these rules, the Members of the Council commit to be present for the convening of all regularly scheduled legislative and business sessions, including public hearings, at the times designated on the agenda and to attend all meetings or work sessions of Council committees to which they have been appointed. When a Council Member is unable to be present, in-person, at any such meeting due to extraordinary circumstances, such as illness, parental leave, caregiving responsibilities, or a significant or unexpected factor or event outside the control of the

Council Member, written notification shall be submitted to the Chair of the Council or Committee and the Clerk of the Council at least 24-hours of the time designated on the agenda for any such meeting. The written notification shall indicate whether the Council Member intends to be present remotely at any such meeting, and if so, the appropriate accommodation shall be provided to allow the Council Member to be present remotely. The Chair of the Council or Committee shall announce the absence of any Council Member or any Council Member attending a meeting remotely. Where a Council Member submits written notification of absence to the Chair of the Council or Committee and the Clerk of the Council due to extraordinary circumstances, such as illness, parental leave, caregiving responsibilities, or a significant or unexpected factor or event outside the control of the Council Member, the absence shall be excused. The Clerk of the Council shall record the attendance of Council Members in the minutes for each meeting as in-person, remote, or absent. When appropriate, the minutes shall note the subsequent arrival time of a Council Member previously marked absent. The minutes shall also reflect whether an absence is excused and the recusal of any Council Member in any matter under consideration.

(b) The Council shall designate times for the convening of regular legislative and business sessions. Publicly advertised County Council or Council Committee meetings may be rescheduled only if all members of the respective bodies are notified in writing providing at least 48-hours notice of the new date and time. The 48-hour notice requirement may be waived only if the Members unanimously agree in writing. Consistent with the times so designated, the Council Administrator, with the concurrence of the Council Chair, shall establish the times for public hearings.

### **3.2. Quorum.**

A majority of the Members of the full Council shall constitute a quorum for a legislative session, regularly scheduled business meeting or public hearing. Upon notification by any Member of the lack of a quorum, the Chair shall notify the Members who are absent from the chamber, but not from the seat of government, that their presence is required for a quorum. Upon such notification, the absent Members shall report to the Council chambers. If there remains a lack of a quorum, the Chair shall recess the meeting to a later time.

### **3.3. Proclamations and Commendations.**

Council proclamations and commendations may be proposed by any Council Member. Members proposing or initiating proclamations and commendations to be scheduled on the Agenda shall deliver them to the Council Administrator. Proclamations and commendations shall normally be scheduled on the second Tuesday of each month that the Council is in session.

### **3.4. Procedure in Debate.**

A Member desiring to present or introduce a bill, introduce a resolution or other matter, or to make a report or motion, or to speak on any matter, shall first be recognized by the Chair. A Member shall have the right to be recognized except where debate has been closed or where recognition is not otherwise in order under the Rules. If two or more Members seek recognition at the same time, the Chair shall determine which is entitled to the floor.



### **3.5. Limit of Debate.**

No Member shall speak more than once upon any subject until every other Member wishing to speak shall have spoken. Every Member shall confine remarks to the subject under debate. On a motion to amend, the debate shall be confined to the amendment and may not include the general merits of the bill. General debate may be closed upon a motion, duly seconded and approved by a majority of the full Council.

### **3.6. Personal References.**

Every Member during debate shall avoid personalities as to every other Member and shall not impugn the character or integrity of another Member.

### **3.7. Examination of Bills.**

Every bill or resolution in the possession of the Council, or of any committee thereof, shall be made available at all reasonable times for examination by any Member.

### **3.8. Explanation of Vote.**

In any roll call vote a Member who wishes to explain his or her vote shall be limited to two minutes for such explanation. A Member may not yield or transfer unused time to any other Member.

### **3.9. Election of Officers.**

The Council shall elect from among its Members not later than December 31 in the year in which they take office, by majority vote of the full Council, a Chair and Vice Chair who shall serve for a designated period. The Chair or Vice Chair may be removed at the will of the Council by an affirmative vote of two-thirds of the Members of the full Council.

### **3.10. Appointments.**

There shall be a Council Administrator, a Clerk of the Council, a County Auditor, and such other employees as the Council shall determine to employ pursuant to Sections 314 and 315 of the Charter. A majority vote of the full Council shall be required to appoint or remove the Council Administrator, Clerk of the Council, County Auditor, and Zoning Hearing Examiners; provided, that such action is consistent with the County personnel law where applicable. The Clerk of the Council, County Auditor, Chief Zoning Hearing Examiner, and Council Administrator shall hire all other employees working within their respective offices. Aides to each Council Member shall be appointed and removed by the Members. Classification of positions and job descriptions of Council Administrator, Auditor, Clerk, Zoning Hearing Examiners, and Aide to Council Member shall be determined by the Council and shall be recorded with the Office of Personnel.

### **3.11. Offices and Seats.**

Offices shall be allocated to the Members by the Chair. Seats on the floor of the Council shall be assigned by the Chair. Members may by agreement exchange their assigned offices and/or seats.

## **4. LEGISLATIVE AND BUSINESS SESSIONS.**

### **4.1. Legislative Sessions and Business Meetings.**

The Council shall normally meet in legislative sessions on the first and third Tuesdays and business meetings on the second and fourth Tuesdays of each month, except August and December. Additional meetings may be called by the Chair upon notice to each Councilperson, or shall be called by the Chair upon the petition of a majority of the full Council. The Chair may designate additional legislative days, subject to the limitations imposed by law.

### **4.2. Location of Sessions and Meetings.**

All sessions and meetings will be held at the County Administration Building or such other places as the Council shall designate.

### **4.3. Open Meeting Policy.**

Except as expressly provided in Title 3, Subtitle 3 of the General Provisions Article, Annotated Code of Maryland, all meetings of the Council, the District Council, the Board of Health, Council standing and special committees, Citizens Advisory Committees, Boards and Commissions, in legislative sessions, business meetings, public hearings, work sessions, and other meetings shall be open to the public.

### **4.4. Closed Meetings.**

(a) A meeting may be adjourned to a closed session for any of the purposes set out in Section 3-305, General Provisions Article, Annotated Code of Maryland.

(b) A meeting may be closed upon the vote of a majority present. The motion to close a meeting shall be in writing and shall state the reason for closing the meeting, cite the statutory authority for closing the meeting and list the topics to be discussed. If any person objects to the closing of a meeting, a copy of the written statement shall be forwarded to the State Open Meetings Law Compliance Board.

(c) No action shall be taken and no matter shall be discussed unless it directly relates to the purpose which required the meeting to be closed.

(d) After a closed meeting has been held, the minutes of the next open meeting or session shall include:

- (1) A statement of the time, place, and purpose of the closed meeting.
- (2) The record of the vote of each Member by which the meeting was closed.
- (3) The citation of statutory authority for closing the meeting.
- (4) A listing of the topics of discussion, persons present, and each action taken during the session.

(5) The Council Administrator shall provide the foregoing information to the Clerk for each closed meeting of the Council.

(e) The minutes of the closed meeting shall be sealed and maintained in accordance with Section 4.8 (c).

#### **4.5. Notice of Meetings.**

(a) Reasonable advance notice of open and closed meetings shall be given. Notice of meetings held in closed session shall be reported in the minutes of the next open meeting.

(b) Whenever reasonable under all the circumstances, the notice shall be in writing, shall include the date, time, and place of the meeting, shall include a statement that part or all of the meeting may be conducted in closed session, and shall be given at least five working days prior to each meeting or rescheduling thereof.

(c) When there are special circumstances which do not permit the regular five working days' notice, the Chair may call a special meeting and shall give the required public notice as expeditiously as possible.

(d) The required notice may be given by any of the following means:

(1) Posting or depositing the notice at a convenient public location at or near the place of the meeting. The Clerk of the Council shall notify the public by advertising in County newspapers of record:

(A) that such a method will be regularly employed to give notice to open meetings; and

(B) the location of the public notice board.

(2) Delivery to representatives of the news media who regularly report on the sessions, meetings, or activities of the County government.

(3) Any other method reasonably designed to give public notice.

(e) When the foregoing required notice of meeting has been given, a meeting may be recessed or adjourned for a reasonably brief period and then be reconvened without further notice to continue the purpose of the meeting. Prior to such recess or adjournment, the Chair will state the time and place the meeting will reconvene. If the meeting is recessed or adjourned without announcement of a time for reconvening, the reconvened meeting shall be subject to the requirement for notice of meeting.

#### **4.6. News Media Participation.**

Reasonable seating facilities shall be provided for representatives of news media at all sessions and public meetings, and such representatives are encouraged to attend.

#### **4.7. Public Participation.**

(a) Reasonable seating facilities shall be provided for the general public at all sessions and public meetings, and the general public is encouraged to attend. Where impractical to conduct an in-person hearing at County designated buildings, all or a portion of the hearing may be conducted virtually/remotely. The Council may consider public input in legislative and business matters virtually or remotely in accordance with law. Unless a majority of the Council present shall direct otherwise, time shall normally be afforded during a session or meeting for members of the public

to address the Council. Persons seeking to address the Council on a specific matter may be required to state reasons for an appearance in writing.

(b) Council work sessions are designed to allow Members an opportunity to formulate their position and policies, to consider staff studies and recommendations, and to review any other related record material. The Council may direct specific questions to those in attendance to clarify or explain a point being considered.

(c) Public hearings on pending legislation or the budget are convened for the express purpose of obtaining public participation and comment. Such hearings may be held on a legislative or business session day.

(d) At all times, order and decorum shall be maintained in keeping with the dignity of the governmental process, and no person or groups shall interfere with this process. No one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer. Posters or placards are not permitted in the Council Hearing Room. The number of persons in the Hearing Room shall not exceed the limit established by the County Fire Department. When practicable, and in accordance with law, attendees for public proceedings exceeding the legal capacity of the Hearing Room should be accommodated in an alternate space or area designated by the Council.

(e) Smoking, including but not limited to e-cigarettes, e-hookahs, or vaporizing pens, is strictly prohibited in the Council Hearing Room.

(f) The open meetings of the County Council, the County Council committees, and the District Council are recorded and shall be retained in accordance with law. The recordings are considered public records. The Clerk shall establish procedures for persons to review and obtain copies. Persons who desire to televise, videotape, photograph, broadcast or record an open meeting shall make appropriate arrangements with the Clerk in advance of the meeting.

(g) Where impractical to conduct in-person hearings at County-designated buildings, the Clerk of the Council may issue electronic notices seeking public participation for legislative and business matters before the Council and may receive public input from interested parties electronically.

#### **4.8. Minutes of Meetings.**

(a) Minutes of each meeting shall be kept of items considered, actions taken thereon, and each recorded vote. Additional matters may be included.

(b) Minutes of an open meeting shall be promptly prepared and shall be open to public inspection.

(c) The Council Administrator shall prepare the minutes of a closed session in one original copy and without duplicate. If the Council Administrator is absent from a closed meeting, the Chair shall cause minutes to be kept and delivered to the Council Administrator. The minutes of the closed meeting shall be sealed and maintained in the custody of the Council Administrator with proper safekeeping to prevent their disclosure. The minutes may not be open to public inspection, except as follows:

(1) For a meeting closed under the authority of Section 3-305 (b) (5), General Provisions Article, when the County invests the funds;

(2) For a meeting closed under Section 3-305 (b) (6), General Provisions Article, when the public securities being discussed have been marketed; or

(3) Upon the vote of a majority of the full Council.

(d) Minutes of open Council meetings shall be prepared by the Clerk. Minutes for all other meetings shall be kept at the direction of the Chair of the meeting or as prescribed by the Council Administrator.

## **5. AGENDA.**

The Chair and Vice Chair, in conjunction with the Administrator, shall prepare each agenda of the Council and shall have authority to remove items submitted to accommodate the time scheduled for the meeting. When such items are removed because of lack of time, they shall be placed on the next appropriate agenda. The Chair's decision shall stand unless overruled by a majority of the full Council at any meeting at which the question is considered.

(a) The agenda for all legislative and business meetings shall contain, as appropriate, the following:

- (1) The Call to Order, Invocation and Pledge of Allegiance;
- (2) The Consent Agenda;
- (3) Consideration of Items Removed from the Consent Agenda;
- (4) Proposed Correspondence/Administrative Officer's Report;
- (5) Briefings/Discussion Items;
- (6) Second Reading of Bills (Introduction);
- (7) Public Hearings;
- (8) Bills Eligible for Third Reading (Enactment), and Resolutions Eligible for Final Reading (Adoption);
- (9) Requests by the General Public to Address the Council;
- (10) Such other business as will come before the Council;

(b) The agenda shall remain open until the close of business fourteen (14) calendar days prior to the meeting. Any Member shall have the right to place any bill for presentation or introduction, resolution for introduction or other item of business to be presented to the Council. Any matter not included on the agenda may be added only upon a vote of majority of the full Council. A separate vote shall be necessary for each addition upon the request of any Member.

## **6. CALL TO ORDER.**

(a) The Chair shall take the chair at the date and hour to which the Council was adjourned at the last sitting and, on the appearance of a quorum, shall immediately call the Members to order. The Clerk shall call the roll. In the absence of the Chair and Vice Chair at ten minutes after the time set for the meeting, a quorum of Members being present, the Council shall convene. The Clerk shall call the roll and Members shall signify their attendance by responding.

(b) In the absence of a quorum at ten minutes after the time set for the meeting, the Clerk shall record the names of the Members then present.

## **7. ORDER OF BUSINESS.**

After the Invocation and Pledge of Allegiance, the order of business shall proceed according to the Agenda. The order of business may be changed at any time by the vote of a majority of Members present, or by the Chair, unless a majority of the Members present object.

## **8. VOTING.**

(a) All questions shall be determined by a majority vote of the Members present, either physically in-person or visible on camera remotely, except as required for:

- (1) The final action on a bill or resolution;
- (2) The suspension of rules;
- (3) The amendment of a bill or resolution after introduction;
- (4) The approval of a letter requiring the Council Chair's signature on behalf of the Council;

(5) Any other circumstance specially provided for in these Rules, the Charter for Prince George's County, Maryland, the County Code, or the Constitution and Laws of the State of Maryland; or

(6) Special voting requirements for confirmation of administrative appointments pursuant to Section 322 of the Charter.

(b) Members must be present in-person or remotely at the meeting at the time the vote is taken in order to vote.

(c) The Chair shall put questions in the following form: "Those in favor (as the question may be), say 'Aye'"; and after the affirmative voice is expressed, "Those opposed, say 'No'"; if voice vote cannot be determined or a roll call is requested, the Chair shall direct the Clerk to call the roll. The Clerk shall announce the results of every vote by roll call and that vote shall be final, subject to reconsideration in accordance with Section 9.6 of the Rules.

(d) All voting except on procedural motions shall be by roll call. In any roll call, the Clerk shall call the roll of Members alphabetically, after the Presiding Officer shall have been called.

(e) A Member who has an apparent conflict, but not an actual conflict of interest as defined by the Code of Ethics, may act on a matter if, prior to voting, the Member files with the Clerk of the Council and the Board of Ethics a sworn statement which describes the circumstances of the apparent conflict and the legislation to which it relates. The statement shall assert that the Member is able to vote, and otherwise participate in legislative action relating thereto, fairly, objectively, and in the public interest. The Clerk shall maintain each statement for the term of office of the Member. All statements filed with the Clerk shall be available for public review.

(f) A Member who has an actual conflict of interest as defined by the Code of Ethics shall state that a conflict of interest exists and that the Member will neither participate in the consideration of the issue nor vote on the issue.

## **9. PROCEDURAL RULES.**

### **9.1. Robert's Rules of Order.**

The rules of parliamentary practice and procedure as set forth in the latest edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable and not in conflict with these Council Rules of Procedure.

## **9.2. Precedence of Motions.**

All motions shall require a majority of the quorum unless otherwise stated. When a question is before the Council, no motion shall be received except one of the following, and they shall have precedence in the order listed:

**(a) To adjourn.**

This motion is not debatable and can neither be amended nor reconsidered. Every such motion shall state the hour and day to which it is proposed the Council adjourn. A motion to adjourn having been determined in the negative, another such motion cannot be put to the Council until some other business shall have intervened.

**(b) To recess.**

Every such motion shall state the hour and day to which it is proposed that the Council recess.

**(c) To convene a closed session.**

This motion is not debatable and can neither be amended nor reconsidered.

**(d) To close debate.**

A majority vote of the full Council shall be required for adoption of a motion to close debate. The motion is not debatable.

**(e) To lay on the table.**

This motion cannot be amended, and if carried affirmatively by a majority of the full Council, it cannot be reconsidered. It applies only to the particular question before the Council, and it does not carry the bill or resolution with it unless the motion has actually been to lay the bill or resolution on the table. A matter tabled by the Council may be considered again at any future session, except in the case of a bill, which may be considered only on a legislative session day.

**(f) To reconsider a previous action.**

**(g) For the previous question.**

The motion is not debatable, and if carried shall preclude all further debate and bring the Council to direct vote upon the immediate question before it. The motion for the previous question may be made on any debatable motion before the Council.

**(h) To postpone indefinitely.**

This motion cannot be amended and must be approved by a majority of the full Council. When action on a bill or resolution or other matter has been postponed indefinitely, the said bill or resolution or other matter shall not again be taken upon for consideration during the remainder of the legislative year.

**(i) To postpone to a certain time or day.**

This motion may be amended and reconsidered. Debate upon it can be only as to the postponement of consideration, and shall not extend to the merits of the bill or resolution.

**(j) To commit.**

**(k) To recommit.**

This motion may apply to any pending question with any amendments that may be pending, is debatable, and may be amended. A motion to recommit requires the majority vote of the full Council.

**(l) To amend.**

An amendment may be offered to an amendment, but no motion shall be accepted which would amend an amendment to an amendment.

**(m) To discharge a committee.**

Can be applied to any main motion, or any other matter, which has been referred to a committee and which the committee has not finally reported to the Council. The motion and the underlying question are debatable. The motion may be amended. A negative vote may be reconsidered. A two-thirds vote of the Council is required for approval.

**9.3. Stating of Motions; Withdrawal of Motions.**

When a motion has been made and seconded, the Chair shall, unless the motion is ruled out of order, state the question, together with the names of the Members who made and seconded the motion. After a motion is stated by the Chair, it shall be deemed to be in the possession of the Council, but may be withdrawn by the maker with the concurrence of the person seconding any time prior to commencement of the vote on such motion.

**9.4. Motions in Writing.**

If requested by the Chair or any Member, a motion shall be submitted in writing and read by the Clerk before it shall be debated.

**9.5. Division of Question.**

If a motion contains more than one substantive proposition, any Member may call for a division of the question into separate propositions.

**9.6. Reconsideration.**

(a) When a question has once been decided, a motion is in order if the bill, resolution, motion or matter upon which the vote is taken is still in the possession of the Council. No motion for reconsideration is in order unless made on the same day on which the original motion was taken, or at the next regular or special legislative session of the County Council thereafter. No motion for reconsideration on a zoning bill is in order after the date it becomes effective.

(b) If the original vote was taken by a recorded vote of yeas and nays, it shall be in order for any Member voting with the prevailing side to move for the reconsideration thereof; except that should a bill or resolution or other matter fail merely for the want of a majority as may otherwise be required by these Rules or by law, the motion for reconsideration may be made by any Member. A motion for reconsideration may be seconded by any Member regardless of whether the Member voted on the prevailing side of the question or was present at the previous vote.

(c) If the original vote was not taken by a recorded vote of yeas and nays, it shall be in order for any Member to move for the reconsideration thereof.

(d) If the question or motion to be reconsidered is debatable, the motion to reconsider opens the whole question or motion to debate; but if the question or motion to be reconsidered is not debatable, the motion to reconsider is not debatable.

(e) If a motion to reconsider prevails, the question immediately recurs upon the original question or motion.

(f) The vote on a motion to reconsider cannot itself be reconsidered. A motion to reconsider having once been put and decided, it is not in order to repeat the motion to reconsider unless the original proposition has been amended since the first motion to reconsider.



## **10. LEGISLATIVE PROCESS - ADMINISTRATIVE REQUIREMENTS.**

### **10.1. Requests for Legislation.**

A Member shall transmit, in writing, requests for legislation to be drafted to the Administrator, who shall direct the request to the appropriate staff.

### **10.2. Form of Legislation.**

Every bill or resolution presented and introduced shall be prepared on formats prescribed by the Clerk.

(a) **Bill Content.** Each bill should normally have the following content:

(1) Heading.

(2) Title -- A short title of the subject matter plus a brief summary of the bill's purpose. The wording of the short title and summary will customarily be used by the Clerk to advertise the bill.

(3) Function Paragraph -- States the function of the bill (amend, repeal, add) and the Code sections concerned.

(4) Enacting Sections -- The operative sections of the bill. The enacting clause shall read "BE IT ENACTED by the County Council of Prince George's County, Maryland".

(b) **Numbering of Sections.** Sections of a bill shall be numbered in Arabic numerals.

(c) **New and Old Matter.** A bill proposing to amend, repeal, or add to existing law shall underscore the new matter and place within brackets all matter to be eliminated from existing law. The text of the Budget Bill, any bill proposing the issue of bonds or other certificates of indebtedness need not be underscored. It is unnecessary to include deleted language if its length exceeds two full bill pages. Asterisks shall be used to indicate intervening Code provisions which are to remain unchanged.

(d) **Emergency Bills, Charter Amendments.** If the bill is either a Charter Amendment or an Emergency Bill, the words "Charter Amendment" or "Emergency Bill" shall be included in the heading of the bill and the adoption clause shall indicate adoption by a two-thirds vote.

### **10.3. Bill and Resolution Numbers.**

Every bill and resolution shall be consecutively numbered beginning with CB-1-(year) for Council bills and CR-1-(year) for Council resolutions. The Clerk shall assign numbers to completed and properly prepared bills and resolutions.

### **10.4. Agenda Item Summary.**

Each bill, resolution or other matter to be placed on the Council Agenda shall be accompanied by a completed Agenda Item Summary prepared on a form maintained by the Clerk.

## **11. PRESENTATION (FIRST READING).**

### **11.1. Debate on Presentation (First Reading).**

Bills eligible for presentation shall be listed on the Consent Agenda and the full titles shall be printed. Where the full title of a bill exceeds 100 words, the Chair may read only the short title of the bill. Unless a bill is removed from the Consent Agenda, there shall be no debate or discussion on the bill during the time it is before the Council on presentation. If the bill has been removed from the Consent Agenda, the Member presenting the bill may make an explanatory statement as to the purpose of the bill, not to exceed two minutes in length. If a Council Member desires to join in the sponsorship of the bill, the Chair shall thereupon so instruct the Clerk.

### **11.2. Committee Referrals.**

(a) By the adoption of these rules, the Council agrees to observe the established practice of "presenting" a bill prior to introduction, thereby permitting, before Council Public Hearing Notices are advertised, in-depth examination and possible refinements after review of the legislation's fiscal effects and other pertinent information supplied by interested persons. The Council agrees that no bill shall be presented (or introduced, if presentation is bypassed) after September 30 of each year, except: (1) emergency bills; (2) Charter amendments; (3) bills appropriating funds or levying a tax; (4) bills authorizing the sale of bonds, creating a project in the Capital Improvements Program, or transferring appropriations between projects in the Capital Budget; and (5) bills approving labor agreements, and attendant legislation necessary to implement the provisions of such agreements. Where the full title of a bill exceeds 100 words, the Chair may read only the short title of the bill at presentation. Upon presentation of each bill, it shall be referred by the Chair to the appropriate committee. The bill shall be returned by the committee to the Council for introduction within thirty (30) working days unless deferred for an additional period of thirty (30) working days, or unless held in committee as set forth below. Nothing herein shall preclude a committee's review of a bill prior to presentation or a resolution prior to introduction. The committee may take the following actions:

- (1) Report out with favorable recommendation;
- (2) Report out with unfavorable recommendation;
- (3) Report out with no recommendation;
- (4) Report out with favorable recommendation, as amended;
- (5) Hold in committee upon request of the proposer(s) and presenter(s);
- (6) Hold in committee for further study; or
- (7) Hold in committee indefinitely;

(b) Upon introduction, each resolution shall be referred by the Chair to the appropriate committee unless the matter has already been considered by committee. Where the full title of a resolution exceeds 100 words, the Chair may read only the short title of the resolution at introduction. A resolution may be held in committee upon the request of the proposer(s).

(c) Any Member may present a bill or introduce a resolution at any Council Business or Legislative Session, provided that an original copy of said bill or resolution has been filed with the Council Administrator fourteen (14) calendar days prior to the session.

(d) Any Member may introduce a bill on any Legislative Session day. If a bill is introduced without presentation, the Chair may refer the bill to committee. Where the full title of a bill exceeds 100 words, the Chair may read only the short title of the bill at introduction.

### **11.3. Committee Procedures.**

#### **(a) Committee Agenda.**

The Council Administrator shall cause to be prepared an agenda for each work session scheduled by the standing committees. The Agenda shall be distributed to all Members, the County Executive, appropriate resource personnel, and press representatives and posted on the public notice board and other Council public media resources.

#### **(b) Committee Meetings.**

(1) For each item to be considered by the committee, the proposer or sponsor shall present the item to the committee and respond to questions concerning the item.

(2) The committee shall receive comments from the Council staff and appropriate Executive staff. Members may address questions to the staff.

(3) Unless the committee is considering a matter which is required to be decided upon a record that results from a public hearing process which has been conducted, the committee shall receive comments from members of the public. Members may address questions to members of the public. The Chair may announce in advance or at the time set for comments a reasonable time limitation for comments from members of the public so that all may have an opportunity to be heard.

(4) The committee may deliberate and take appropriate action concerning the item. Final action shall be by roll call vote. During deliberations the committee may address questions to appropriate staff. Public comments are not in order during committee deliberations.

#### **(c) Committee Hearings.**

Upon notice to the public, the Chair of any committee may convene the committee to conduct informational or investigatory hearings.

#### **(d) Report of Action.**

The Chair of each standing committee shall direct the staff director of the committee to prepare a report of the bills and resolutions upon which the committee acted. The report shall give the number of each bill or resolution, the nature of the action thereon, and each recorded vote. The report shall serve as the minutes of the committee meeting. The committee's recorded vote shall show how each Member present voted and the names of committee members absent from the vote. The Council Administrator shall provide copies of the report to Members and to the Clerk who shall maintain it as a public record.

#### **(e) Bills and Resolutions Reported to Council.**

Every bill or resolution upon which a committee has taken final action shall be so reported to the floor of the Council. At any time after the public hearing on a bill and before its final enactment, or at any time prior to the final enactment of a resolution, a bill or resolution may be returned to committee upon a majority vote of the full Council.

#### **(f) Committee Amendments.**

When a bill or resolution is reported from committee with amendments, the amendments as proposed shall be incorporated into the bill or resolution. The Legislative Officer shall review each bill or resolution reported by a committee prior to introduction.

### **11.4. Fiscal Effect.**

If a bill or resolution on enactment or adoption would result in an increase or decrease in County revenues, appropriations, or fiscal liability, the committee which considered the bill or resolution shall, in its report, as provided by the County Auditor, explain these fiscal effects to the

Council. When requested, the Office of Finance and/or the Office of Management and Budget shall assist in the preparation of information required by the committee. Proposed legislation submitted by the County Executive shall be accompanied by a statement of its fiscal effect.

## **12. INTRODUCTION (SECOND READING).**

### **12.1. Debate on Introduction (Second Reading).**

(a) Prior to introduction the Chair shall read each bill by short title. In addition, where the full title of a bill exceeds 100 words, the Chair may read only the short title of the bill at introduction. The Chair of the committee to which the bill was referred shall provide a report of the action and recommendation of the committee. A member may address questions concerning the bill to the committee Chair, at the leave of the Presiding Officer.

(b) The Council shall consider amendments to each bill proposed by the committee and additional amendments as may be proposed by any member prior to introduction of the bill.

(c) There shall be no debate on any bill during the time it is before the Council for introduction unless there is a motion to amend or reject the bill. Debate on a motion to amend, duly seconded, shall be limited to the substance of such amendment. Debate upon a motion to reject, duly seconded, shall be limited to the merits of the bill.

(d) The Chair shall declare the bill to be introduced.

### **12.2. Review by Council Administrator.**

At the time of introduction of a bill, or at the time of final action on a resolution, the Agenda shall indicate whether the bill or resolution has been:

(a) reviewed by committee;

(b) reviewed by the Legislative Officer and approved for legislative form and codification;  
and

(c) reviewed by the Auditor to determine its fiscal impact.

### **12.3. Introduction of Bills.**

Subsequent to committee action, the committee Chair shall forward an original copy of the bill, as amended, and the committee report to the Council Administrator, for transmittal to the Clerk, at least seven (7) calendar days prior to the convening of the legislative session.

### **12.4. Sponsorship of Bills and Resolutions.**

The sponsor of every bill and resolution shall be indicated on the heading.

(a) Only the names of Council Members initiating a bill or resolution shall appear on the "Proposed and Presented by" line. Other Members may join as sponsors of a bill or resolution by statement during a Council Session or by written notice to the Clerk. If such statement or notice is given prior to the time of introduction, the names of such Members shall be entered on the "Introduced by" line following the names of the initiating Members. If the statement or notice is given after introduction but prior to 3rd or Final Reading, their names shall be placed on the "Co-Sponsors" line. Names of Members may not be added to legislation after final action on it has

been taken by the Council. The Clerk shall reprint copies of bills and resolutions to reflect sponsors at the time of introduction, but no further revisions need be made until the final draft is prepared.

(b) Legislation shall be introduced by one or more Members.

(c) The proposer(s) and presenter(s) shall have the right to withdraw the legislation, or have his or her name stricken from the heading, at any time prior to introduction.

(d) Proposed legislation transmitted to the Council by the Executive or Planning Board may be placed on the next appropriate agenda by the Chair "by request".

### **12.5. Amendments to Bills, Prior to Public Hearing.**

Once a bill has been introduced, it may not be amended prior to the public hearing on the bill.

## **13. PUBLIC HEARINGS.**

### **13.1. General.**

The rules in this section apply to public hearings held upon pending legislation and the budget, and to special public hearings. Notice of public hearings shall be given in accordance with Section 13.2.

### **13.2. Public Hearing.**

Following the introduction of a bill the Chair shall schedule a public hearing on the bill not earlier than fourteen (14) working days after its introduction.

(a) Notice of the time and place of the public hearing and the title or summary of the contents of the bill shall be published in the County newspapers of record and other County maintained electronic media once a week for two successive weeks immediately prior to the public hearing. Special requirements relating to notice of certain public hearings are contained in the Land Use Article, Annotated Code of Maryland. Zoning bills shall normally be scheduled for public hearing between thirty-five (35) and forty-five (45) days after introduction. Subdivision bills shall normally be scheduled for public hearing between forty (40) and sixty (60) days after introduction. All hearings shall be scheduled during normal business hours unless the Council, by concurrence, shall direct otherwise.

(b) A copy of the bill and notice of the time and place of the public hearing on the bill shall be posted by the Clerk within ten working days after the bill's introduction on the public notice board.

(c) Public hearings on administrative appointments by the County Executive shall be held not less than ten (10) working days and not more than thirty (30) working days after their submission to the Council by the County Executive.

(d) Public hearings on all other matters shall be held upon the order of the Chair or upon a motion, duly seconded and approved by a majority of the full Council.

(e) Copies of proposed legislation or other subject matter shall be made available in reasonable numbers for distribution to the press and the public at the time of hearing and at the office of the Clerk prior to the hearing. Unless required by law, a verbatim transcript shall not be taken except upon order of the Chair. A quorum shall be required to conduct a public hearing.

The Clerk shall record Members present and absent for each session in which a public hearing is held.

### **13.3. Preliminary Action.**

Upon convening the hearing, the Chair shall give a brief explanation of the purpose of the hearing and shall cause to be presented any information or data which is required before public discussion and comments begin.

### **13.4. Information from Public.**

Each person who wishes to speak shall be recognized by the Chair, come forth and state the following information:

- (a) Name
- (b) Address
- (c) Person or organization represented, or that the speaker is speaking individually.

### **13.5. Time Limits.**

The presiding officer may announce in advance or at the hearing reasonable time limitations and registration requirements for speakers so that all may have an opportunity to be heard.

### **13.6. Questions.**

Any Member, upon recognition by the Chair, may briefly question any speaker. Members and speakers shall refrain from engaging in debate. After having been recognized one time, a Member shall not speak again until all other Members have been afforded the opportunity to comment or question the speaker; provided, however, that a Member may yield to another Member.

### **13.7. Record.**

The record of a public hearing shall remain open until the date and time specified by the Chair that the record will be closed.

### **13.8. Recess to Another Time and Place.**

Any public hearing may be recessed to a time and place certain which is announced or posted at the time and place for which notice originally had been given and no further notice or publication shall be necessary.

## **14. ENACTMENT OR ADOPTION (THIRD OR FINAL READING).**

### **14.1. Printing of Bills and Resolutions.**

Every bill or resolution which has been introduced in the Council and on which any necessary public hearing has been completed shall be prepared for enactment or adoption (third or final reading).

### **14.2. Final Action.**

(a) Prior to final action on a bill, the Chair shall read the bill by short title. In addition, where the full title of a bill exceeds 100 words, the Chair may read only the short title of the bill prior to final action on the bill. No bill shall be enacted except by the affirmative vote of a majority of the full Council. Prior to final action on an emergency bill, the Chair shall read the bill by short title and shall read the emergency stated in the bill. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the Members of the full Council. Adoption of resolutions shall require the affirmative vote of a majority of the full Council.

(b) No amendment to a bill may be acted upon by the Council on the day of the public hearing or subsequent thereto, unless the Council has been convened in legislative session. No amendment to a bill or resolution shall be adopted by less than a majority vote of the full Council. In addition, where the full title of a resolution exceeds 100 words, the Chair may read only the short title of the resolution prior to final action on the resolution.

(c) When time permits, proposed amendments shall be typed on a separate form. The Clerk shall distribute the proposed amendments to every Member. This requirement shall not preclude the offering of amendments orally during debate. Upon the direction of the Chair, the bill shall be reprinted incorporating all amendments. Amendments shall be numbered by the Clerk in order of introduction. Voting on amendments may be by item where presented by separate enumeration and by an entire redraft when substituted for the draft that was introduced and considered at the public hearing.

### **14.3. Enrolled Copy.**

After passage of a bill, the Clerk shall promptly prepare and certify the enrolled copy in printed or typewritten form which shall be presented to the Chair. By signing, the Chair shall certify the enrolled copy as being the text as finally enacted. The copy so certified by the Chair shall be conclusive evidence of the bill as enacted and shall be maintained by the Clerk in an official file of Acts of the County Council. On enrolling, the Clerk shall have authority to correct obvious errors in section references and number, references to existing law, capitalization, spelling, grammar, headings, and similar matters. Similar corrections may be made by the Legislative Officer in the preparation of the Code and Code Supplements.

## **15. BILLS SENT TO EXECUTIVE.**

### **15.1. Presentation.**

Enrolled copies of all bills requiring the County Executive's consideration shall be delivered to the Executive's office by the Clerk within ten working days after final passage by the Council. A receipt of delivery shall be obtained from a person authorized by the County Executive to receive bills on the Executive's behalf. A journal notation of the time and date delivered, the person delivering, and the person accepting delivery shall be made.

### **15.2. Vetoes.**

When a bill has been vetoed by the Executive and returned to the Clerk of the Council, the Executive's message containing the objections to the bill shall be entered upon the journal. Not later than at its next legislative session, the Council shall reconsider the bill. The Chair shall put the question, "Shall the earlier action of the Council be affirmed notwithstanding the objections of the Executive?" The question is debatable. An affirmative vote of two-thirds of the members of the full Council shall be necessary to pass the bill over the Executive's veto. The vote of the Council shall be determined by roll call and entered upon the journal.

## **16. EFFECTIVE DATE OF LAWS.**

(a) Effective dates of Council Bills shall be as provided in the Bill. Unless designated an emergency bill, no bill shall take effect earlier than forty-five calendar days after it becomes law. The Clerk shall change the effective date of a bill when necessary for compliance with the Charter.

(b) Zoning Bills take effect forty-five (45) calendar days after adoption.

## **17. CLERK OF THE COUNCIL.**

The Clerk of the Council shall be directly responsible to the Council Administrator and shall have the following specific duties:

### **(a) Notice.**

The Clerk shall notify Members of the time and purpose of all regularly scheduled and special meetings and sessions and known Agenda items and matters pending before the Council.

### **(b) Preparation of Agenda.**

The Clerk shall prepare a written Agenda for each legislative session or business meeting. Where practicable, the Agenda shall be available five calendar days prior to any scheduled meeting.

### **(c) Journal.**

The Clerk shall maintain the Council journal. The journal shall contain such information as will identify each bill, and all adopted amendments thereto, along with dates of introduction, public hearing, enactment, transmittal to the Executive, and approval or other action by the Executive; record of votes by Council Members; and other pertinent information necessary to provide an adequate legislative history of each bill.



**(d) Minutes.**

The Clerk shall prepare written minutes of all legislative and nonlegislative Council meetings other than committee meetings. The minutes shall include motions, votes, and other related information, so as to provide an accurate, succinct summary of the items considered and actions taken by the Council. The minutes shall also include a record of Members' attendance.

**(e) Publication of Legislation.**

(1) Upon the introduction of a bill, the Clerk shall cause such bill to be posted on the official bulletin board outside the office of the Clerk of the Council, and to be advertised in the newspapers of record by a fair summary of its provisions.

(2) The Clerk shall keep on hand a reasonable supply of bills to meet the needs of the public.

(3) The Clerk shall cause to be published a fair summary of all legislation enacted by the Council which becomes law.

**(f) Voting and Attendance Records.**

The Clerk shall maintain a voting and attendance log for each Member on a form identified as "Voting and Attendance Record." The record shall contain an explanation of a Member's absence, as provided by the Member, and shall indicate when a Member has recused himself or herself.

**(g) Permanent Records.**

The Clerk shall maintain the journal of legislation containing a permanent record of every law as finally passed and enrolled. The Clerk shall also maintain a permanent record of all minutes and proceedings of the Council, including a permanent file of resolutions adopted by the Council. The Clerk shall be responsible for maintaining in a secure storage area all current and prior permanent records of the Board of County Commissioners, and of the County Council, together with true and exact copies of all rules and regulations adopted by the County Council or any other applicable documents of a permanent nature. To the extent records are made, they shall be maintained in a separate place and a copy shall be filed under regulations of the State of Maryland Hall of Records Commission.

**(h) Designee.**

The Clerk, in case of temporary absence or disability, shall designate an official in the Clerk's Office to sign all papers that may require the official signature of the Clerk, and to do all other acts, except such as are provided for by statute, that may be required under the rules and practice of the Council to be done by the Clerk. Such official acts, when so done by the designated official, shall be under the name of the Clerk of the Council. Said designation shall be in writing, and shall be entered into the journal.

## **18. COUNTY AUDITOR.**

All requests for financial or performance audits and special reports from the Office of Audits and Investigations shall be submitted to the Administrator, who shall cause the matter to be placed on the next appropriate Agenda for Council consideration. Upon Council approval, the Administrator shall transmit the request, in writing, to the Auditor. Upon completion of such an audit or report, the Auditor shall forward a sufficient quantity to the Administrator, who shall provide a copy to all Members and to all appropriate agencies and departments. Reports on financial and performance audits by the County Auditor shall be available for release to the press and the public, twenty-four (24) hours after distribution to Members' Offices and the Office of the County Executive. Any report by the County Auditor containing information that could lead to a

criminal investigation shall be referred by the Chair to the Prince George's County State's Attorney and the report shall not be released to the press or the public until the State's Attorney assents to such release.

## **19. RULES CHANGES AND SUPPLEMENTS.**

### **19.1. Suspension of Rules.**

The suspension of any rule shall require the concurrence of two-thirds of the Members of the Council. This motion is debatable, but does not permit discussion of the main question. It can neither be reconsidered, laid on the table, nor postponed indefinitely; and, while it is pending, no motion can be made except to adjourn. A separate suspension of the rules shall be necessary for each proposition.

### **19.2. Repeal or Amendment of Rules.**

No motion, order, or resolution to repeal or amend a rule of the Council shall be considered or acted upon unless it shall have been submitted in writing to the Council at least one week prior thereto, together with the written text of any proposed amendment. The repeal or amendment of any rule of the Council shall require the concurrence of two-thirds of the Members of Council.

## **20. MISCELLANEOUS.**

### **20.1. Subpoena Power; Oaths.**

(a) Pursuant to the authority granted by Section 1012 of the Charter, the Council is empowered to administer oaths, compel the attendance of witnesses, and require the production of records and other materials in connection with any investigation, inquiry, or hearing authorized by law or by the Charter.

(b) Oaths may be administered by the Chair, Vice Chair, or Presiding Officer at any session, meeting, hearing, or other proceeding of the Council or of a Council Committee.

(c) The subpoena power of the Council shall extend not only to Council proceedings but also to any other investigation, inquiry, or hearing which is conducted under the authority of the law or of the Charter. Issuance of any subpoena authorized by this Rule shall be by signature of the Council Chair or, if absent, of the Acting Chair.

(d) When directed by two-thirds vote of the full Council, the Chair shall issue the subpoena and direct its service.

(e) (1) Notwithstanding the requirement for a two-thirds vote of the Council, a subpoena may be issued where a request for the subpoena has come from an agent or agency authorized by law to request a subpoena from the Council and where the agent or agency certifies in writing the particulars necessary to issue the subpoena and the following:

(A) A hearing or proceeding has been commenced and the taking of testimony has been postponed for the issuance of a subpoena, and

(B) The testimony or documents of the party to be subpoenaed has been shown to the satisfaction of the agent or agency to be clearly material to the issues under consideration and absolutely necessary for a fair and impartial determination by the agent or agency.

(2) When the special circumstances in paragraph (1) next above have been met, the subpoena may be issued by vote of a majority of the members of the full Council; or by the Chair if there is no meeting of the Council scheduled during the ten (10) calendar days following delivery to the Council offices of the subpoena request.

(f) Service of any subpoena issued under this Section may be accomplished by personal service by any person designated by the Chair, including an agent or representative of any agency described in Subsection (e), above.

(g) When evidence has been transmitted to the Council that a subpoena issued under this Rule has not been complied with by the party subpoenaed, the matter shall be referred to the Office of Law for enforcement by court proceedings, provided that such reference has been directed by:

- (1) Vote of a majority of the Members of the full Council; or
- (2) The Chair, if there is no meeting of the Council scheduled during the ten (10) calendar days following delivery to the Council offices of the evidence of noncompliance.

## **20.2. Council Appointments to Commissions or Boards.**

(a) When there is a vacancy on a Commission or Board which must be filled by the County Council, the Chair shall solicit written recommendations for the appointment(s) from all Council Members. The Council shall meet, in executive session, as the Committee of the Whole to discuss the merits of the proposed appointee(s). The appointment shall be confirmed upon a majority vote of the full Council in a public session.

(b) Where the Chair is given sole authority to make an appointment, the Chair may do so without resort to the procedure outlined in (a).

## **20.3 Former Members of the Council.**

At the discretion of the Chair, a former Member may be granted the privileges of the floor of the Council for ceremonial and social purposes.

## **20.4 Security.**

The Chair and the Administrator shall provide for the security of the Council in its offices and meeting rooms.

## NOTES

