Adopted: 7-9-2019

COMMISSIONERS OF ST. MICHAELS

Resolution No. 2019-03

A Resolution to Amend the Rules for the Conduct for Meetings of The Commissioners of St. Michaels

WHEREAS, Article II, §C-13. (Rules and Order of Business; Journal) of the Charter of the Town of St. Michaels empowers the Commission to determine its own rules and order of business; and WHEREAS, the Commission desires to amend the current Rules of Procedure;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of St. Michaels that the document attached hereto and incorporated herein as "Attachment A to Resolution 2019-03" shall be used as the Rules of Procedure for all meetings of the Commissioners of St. Michaels with new language shown in *italics* and <u>underlined</u>; and

AND BE IT FURTHER RESOLVED that this Resolution 2019-03 shall become effective upon the favorable vote of a majority of the Commissioners of St. Michaels.

THIS RESOLUTION HAVING BEEN PASSED by a yea and nay vote of The Commissioners of St. Michaels on the 9th day of July, 2019.

Bibb	-	_yea__
Boos	-	_yea__
Glackin	-	_yea__
Harrod	-	_yea__
Windon	-	_yea__

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of The Commissioners of St. Michaels on the _9th_ day of July, 2019.

ATTEST:

Jean R. Weisman,
Town Clerk/Manager

THE COMMISSIONERS OF ST. MICHAELS

By: _____ (SEAL)
William E. Boos, President

Attachment "A" to Resolution 2019-03

COMMISSIONERS OF ST. MICHAELS
MEETING RULES AND PROCEDURES

The meetings of the Commissioners of St. Michaels (the "Commission") must be conducted in accordance with Maryland's Open Meetings Act (the "Act"), other applicable law and the Charter and Code of the Town of St. Michaels. These rules are adopted by the Commission, under authority provided by Article II, §C-13, of the Town Charter, which provides that the Commission may determine its own rules and order of business.

Overview of Meeting Rules

The following is a summary of the meeting rules and procedures that are more fully explained and referenced in this text. This summary is not meant to replace the text and is for reference only.

1. All meetings are conducted in accordance with the Act. The three types of meetings allowed by the Act and held by the Commission are:
    a. Working Sessions (public),
    b. Legislative Sessions (public); and
    c. Closed Sessions (not public).
2. The President, or in the President's absence, the Vice-President will preside over the meeting, will impose order and in general decide all questions of procedure, subject to an appeal by any member.
3. Where not inconsistent with these rules, *Robert's Rules in Plain English* by Doris P. Zimmerman shall govern the proceedings.
4. Absentee voting, under certain conditions, is allowed.
5. Suspension of the rules, under certain conditions, is allowed.
6. All meeting materials (Meeting Package), with certain exceptions, must be delivered to the Commission members by the Friday before a Wednesday meeting, or at least five (5) days before a scheduled meeting.
7. Agendas, with certain exceptions, are frozen one week prior to the meeting.
8. Version control designation will be used on all documents provided to the Commission.
9. Provisions will be made to take public comment at all public meetings. The "Comments from the Public" portion of the Commission agenda shall have a limited time period as determined by the commissioners, and shall be at the beginning of each agenda.
10. The agenda will include informational notices of previous closed sessions and meeting information for future sessions.

SECTION 1 – TYPES OF SESSIONS

1.1 Working Sessions

The Commission may conduct public working (study) sessions on matters which are expected to come before the Commission for formal action at a legislative meeting or that otherwise need study by the Commission. These working sessions will be scheduled on an as needed basis by the commissioners.

Elements of Working Sessions:

1.1.1 The Commission will receive information and presentation of issues from the Town Manager, Town staff and/or consultants and others whom the commission may recognize.

1.1.2 The Commission may ask questions and may request that certain information be provided or issues addressed when items are considered further at another meeting of Commission.

1.1.3 The Commission may delegate or otherwise assign tasks to staff, consultants, other boards and commissions or to subcommittees of the Commission itself.

1.1.4 At a working session the Commission may direct that matters under consideration either be:

- 1.1.4.1 brought forward for formal action;
- 1.1.4.2 that further study be conducted if appropriate;
- 1.1.4.3 that matters under consideration not be pursued further (except for matters requiring a public hearing); or
- 1.1.4.4 that modifications be made before a matter is considered further.

1.1.5 Final legislative action on items is not taken at working sessions. No formal vote of the Commission in favor or against any agenda item may be taken at a working session, except for the following:

- 1.1.5.1 award of contracts;
- 1.1.5.2 vote on the "Consent Agenda";
- 1.1.5.3 introduction of legislation;
- 1.1.5.4 forwarding of legislation or other matters to other boards or commissions.

1.1.6 Working sessions may include a "Consent Agenda," in which routine, non-controversial items require action by the Commission. The Consent Agenda for a working session will include the monthly departmental reports. The public may make comments and ask questions about matters taken up in the "Consent Agenda." See Section 2, §2.4 for further information on Consent Agendas.

1.1.7 Regular working sessions will include a review, discussion and approval by the Commission of the calendar of meetings covering the next 45-day period. The proposed calendar of meetings will include draft agendas.

1.1.8 The Commission may, by majority vote or consensus only, allow public comment on the agenda topics at the time they are discussed by the Commission. The Commission will provide on the agenda a time for "Comments from the Public"; any member of the public may make comments at this time, but residents and taxpayers are given priority. See "Guidelines for Comments from the Public" in the appendix.

1.1.9 Working sessions will be held at least once each month, but additional sessions may be scheduled by the Commission as needed.

1.1.10 To facilitate the Commission's work in a working session, such session may be held in a roundtable format for the Commission and staff members.

See "Section 2 – Agendas" for further information regarding agenda items for working sessions.

1.2 Legislative Sessions

The Commission will conduct public legislative sessions on the second Wednesday of each month, to handle matters which come before the Commission for formal vote. Time permitting, other items may be included on the legislative agenda, but items requiring votes of the Commission will take priority.

Elements of Legislative Sessions:

1.2.1 The Commission may vote on matters that have been previously discussed or otherwise properly processed by the Commission.

1.2.2 Legislative sessions may include a "Consent Agenda," in which routine, non-controversial items require action by the Commission. The Consent Agenda for a legislative session will include approval of the minutes.

1.2.3 Time permitting, the Commission may conduct any of the activities usually assigned to a working session.

1.2.4 In order to provide the public with a regular and predictable legislative process, "special legislative sessions" should be avoided, and only scheduled by the consent of three commissioners for urgent matters that cannot wait until the next regular legislative session.

1.3 Closed Sessions

In addition to being the Town's legislative body, the Commissioners of St. Michaels is the Town's executive body. In its executive function, the Commission works through the Town Clerk-Manager, who is appointed and who serves as the chief administrative officer of the Town. Meetings of the Commission in which it is performing an executive function are not open to the public. See also "Maryland's Open Meetings Act, §10-508 (Closed session permitted)" in the Appendix.

SECTION 2 - AGENDAS

All meetings of the Commission will follow the same general format, which may be abridged or amended by approval of a majority of the Commission members present.

2.1 Individual meeting agendas will be affirmed at the close of business one week before meetings. Up until 2 working days before the meeting:

2.1.1 Urgent matters not listed for the meeting on the current calendar may be added with the approval of three commissioners.

2.1.2 Emergency measures may be added to the agenda at any time until the meeting is adjourned.

2.2 Distribution of agendas and related materials to the Commission:

2.2.1 Legislation and materials from the public relating to items on an agenda will be distributed to the Commission one week prior to the meeting.

2.2.2 Materials from staff, including department reports and Consent Agenda materials, will be distributed to the Commissioners by close of business the Friday before the meeting. *Exception: for documents more than 600 words or two pages in length, every effort will be made to distributed them one week prior to the meeting.*

2.2.3 If the deadlines in 2.2.1 and 2.2.2 are missed, the item will be removed from the agenda, unless three commissioners agree it should be retained.

2.2.4 The Town Clerk/ Manager will distribute the final agenda to the Commission and make it available to the public by noon two working days before the meeting.

2.3. The order of business at regular meetings of the Commission will be as follows:

- Call to Order - Pledge of Allegiance
- Agenda Amendments
- Announcement of previous closed session (if any)
- Announcements from Commissioners and Staff
- Comments from the Public
- Public Hearings
- Special Presentations and Announcements
- Consent Agenda (which shall include approval of minutes, departmental reports and special permit applications from Town staff)
- Bids and Contracts
- Ordinances Eligible for Vote (legislative session only)
- Resolutions for Vote (legislative session only)
- Boards and Commission Appointments
- Ordinances for Consideration or Introduction
- Resolutions for Consideration
- Old Business
- New Business
- Calendaring
- Announcement of Next Meeting(s)
- Adjournment

2.3.1 The President, or a majority of the Commission, may decide to consider items out of sequence from the printed agenda for the meeting. The Commission cannot act on any items not listed on the agenda unless an emergency exists.

2.3.2 When all five of the commissioners are not present and the Town Clerk does not hold a valid absentee vote on an agenda item from any absent member, two of the members present may have the agenda item removed from the agenda or have the item deferred until later in the meeting.

2.4 The consent agenda items are of a routine nature or are items which previously have been studied by the Commission at a working session and may all be adopted together by one motion. Other than introduction of the items by the Town Clerk/Manager or Commission President, there will be no discussion of separate items, unless any member of the Commission requests that a specific item be discussed and considered separately.

SECTION 3 – CONDUCT OF MEETING SESSIONS

3.1. Notification of Commissioners: The Commission will meet at set dates and times for regular monthly meetings – see Appendix 1. Posting of the schedule serves as adequate notice of regular meetings. For special meetings regarding pressing matters, every effort will be made to contact all commissioners.

3.2 Quorum: Three of the members of the Commission shall constitute a quorum for opening and closing of meetings and the transaction of business. If a quorum is not present, an informational session can be held, but no formal action can be taken on any matter.

3.3 Rules of Order: Where not inconsistent with these rules, Robert's Rules of Order, as presented in Robert's Rules In Plain English, by Doris P. Zimmerman ("*Robert's Rules*") shall govern the proceedings of the Commission's meetings.

3.4 Presiding officer: As provided by the Town Charter, the Commission's President, or in the President's absence, its Vice-President, is the presiding officer of the Commission and will preside at all Commission meetings.

- 3.4.1 The presiding officer will preserve order and decorum.
- 3.4.2 The presiding officer may participate in debate without leaving the chair.
- 3.4.3 The presiding officer will have general supervision of the meeting and decide all questions of procedure, subject to appeal by any member. If such an appeal is made, a vote is required and the President's decision may be overruled by a majority of the commissioners present.

3.5 Motions:

- 3.5.1 In order for a motion to be considered by the Commission, it must be seconded to demonstrate that there is sufficient interest in the matter for it to be brought before the Commission.
- 3.5.2 Division of Question: When a motion is comprised of more than one issue and each issue could be considered independently, any two commissioners may call for a "Division of the Question" to split the original motion into individual motions. When a motion is comprised of more than one issue and those issues are not related, than any one commissioner may call for a Division of the Question.

3.6 Limits of Debate: Matters coming before the Commission deserve thorough consideration and evaluation; therefore, protracted debate is permitted with the following exceptions:

- 3.6.1 No commissioner may speak for a second time on any matter until all commissioners have had an opportunity to speak.
- 3.6.2 No commissioner may speak for more than five minutes at a time without consensus approval from a majority of the Commissioners present.
- 3.6.3 Any commissioner wishing to end the debate may make a "Previous Question" motion. If the Previous Question motion is properly made and seconded, an affirmative vote by two-thirds of the commissioners present will end debate.

3.6.4 Debate of matters on a legislative session agenda is limited to a total of thirty minutes from the opening of the agenda item until final disposition. If this time limit lapses, the item will drop to the end of the agenda. The matter can then be revisited by the Commission when it reaches that point on the agenda. If sufficient interest in an issue is determined, discussion can be continued to another agenda date.

3.7 Voting: When a question is put, no member shall be excused from voting except on matters where there exist a conflict of interest.

3.7.1 A majority of the commissioners present, there having been adequate notification and there being a quorum, shall decide the outcome of any matter voted upon except for passage of an ordinance or amendment to the Town's Charter. No ordinance or amendment to the Town's Charter shall be approved without the favorable votes of a majority of the whole number of members elected to the Commission.

3.7.2 All votes to enact legislation or to act on the consent agenda will be by roll call with yeas and nays being recorded in the minutes with the presiding officer casting the last vote, or by Unanimous Consent.

3.7.3 On a tie vote, a motion requiring a majority vote for adoption is a lost motion.

3.7.4 Absentee Voting: Absentee voting is permitted for any matter coming before the Commission, provided the absent member had been present at, or had listened to the audio tape recording of, any required public hearing on the matter and been present for, or had listened to the audio tape recording of, one session when the matter was debated by the Commission. A commissioner intending to vote *in absentia* must make this known to the Commission one week in advance of the Commission's scheduled vote. The commissioners present at the time of a vote may by majority vote wave the notification period and permit the member's absentee vote. (The procedures for casting absentee votes once the above requirements are met are set forth in the Commission's Resolution No. 2002-03. See Appendix 2)

3.7.5 Reconsideration of certain votes taken at in a legislative session: A motion to reconsider action taken by the Commission regarding legislation or any other binding action may be made, seconded, and voted on not later than the next succeeding legislative session.

3.7.5.1 If the reconsideration is not included in the public agenda of the next legislative session, actual reconsideration of the item must be delayed until the next similar meeting after the posting requirements of the Open Meetings Act are met.

3.7.5.2 A motion to reconsider an action of the Commission may only be made by a commissioner who voted with the prevailing side. It can be seconded by any commissioner.

3.7.5.3 No question shall be twice reconsidered under 3.7.5. except by unanimous vote of all five commissioners, and except that an

action relating to any contract or litigation may be reconsidered at any time before the final contract execution or court ruling.

3.8 Late Hour Limitation: Only by a majority vote of the commissioners present, may the presiding officer permit the consideration of any agenda item to commence after 10:00 PM.

SECTION 4 – CONFLICT OF INTEREST

Conflict of Interest: All commissioners are subject to the provisions of Maryland law and to conflict of interest provisions that may be contained in the Town's ordinances and Charter. Any commissioner prevented from voting because of a conflict of interest shall also refrain from any participation in the matter under which the conflict exists. When in Closed Session a commissioner recuses himself/herself, he/she must leave the Commission's meeting during the debate and vote on the matter. When in Open Session a commissioner recuses himself/herself, the Commissioner may stay in the room but shall remove himself/herself from the commissioner's desk and not participate in the debate or vote on the matter.

SECTION 5 – EXCEPTIONS TO RULES OF PROCEDURE

5.1 Unless otherwise specified, procedural matters not contained in these Rules will be decided by a majority vote of the commissioners present.

5.2 Suspension of Rules:

5.2.1 By a motion made and seconded, a majority of the Commissioners present may suspend strict observance of these rules and any applicable provision of *Robert's Rules* for the timely and orderly progression of the meeting.

5.2.2 In the event that any of these rules and any applicable provision of *Robert's Rules* is not strictly observed and no Commissioner makes a timely *Point of Order* in the meeting to call the breach to the Presiding Officer's attention, it will be assumed that there is unanimous consent of the Commissioners present to permit the breach.

APPENDICES

APPENDIX 1 – Schedule of dates and times for Commission meetings

1) **One regularly scheduled combined legislative and working meeting each month on the 2nd Tuesday**
2) **Add other meetings as necessary, i.e. Public Meetings and Hearings, Special Working Sessions, Special Legislative Sessions and Closed Sessions – as set by the Commission on an as-needed basis**

APPENDIX 2 – Rules for absentee voting (taken from Resolution 2002-03)

Attachment "A" to Resolution 2019-03

1. Any member of the Town Commission who is not physically present at a meeting of the Commission at which a vote of the Commission is being conducted may vote *in absentia* on any issue by casting an absentee vote complying with the following procedures:

    a. If at least one week in advance of a vote by the Commission a Commission member indicates to the Town Clerk in writing his/her intention to be absent from a meeting that absent Commission member may cast an absentee vote by any of the following procedures:
        (1) By voice telephone call from that absent Commission member to the presiding Commission member or the Town Clerk at the meeting, and contemporaneously with the roll call vote, of the Commissioners of which the absentee vote is intended to be a part; or
        (2) By written document, containing the original or a clear copy of the signature of that absent Commission member, delivered directly to the Town Clerk prior to the roll call vote of the Town Commission by hand delivery, by regular mail, by private or public courier, by facsimile transmission, or by other means.

    b. If the advance notice and/or any other procedures required by the above subparagraph a are not followed, such absent Commission member may nevertheless cast an absentee vote by any procedure that is:
        (1) Approved by a motion duly adopted by a majority of the Commission members physically present at the meeting at which such absentee vote is intended to be cast, and before the roll call vote of which such absentee vote is intended to be a part; and
        (2) Completed before or contemporaneously with the roll call vote of which such absentee vote is intended to be a part.
        (3) Provided that under no circumstance shall an absentee vote be cast by oral communication unless such oral communication is received directly from the absent Commission member by the presiding Commission member or the Town Clerk at the meeting, and contemporaneously with the roll call vote, of the Commissioners of which such absentee vote is intended to be a part.

2. In order for an absent Commission member to cast an absentee vote, there must be a quorum of the Commission members physically present at the

Commission meeting when the vote, of which the absentee vote is intended to be a part, is being conducted.

3. Verification of Absentee Votes.
   a. Any Commission member who wishes to verify the authenticity of an absentee vote that is cast by oral communication via telephone or otherwise may participate in the conversation in which such absentee vote is received.
   b. Any Commission member who wishes to verify the authenticity of an absentee vote that is cast by oral communication or otherwise shall submit to the Town Clerk a written request that the Town Clerk obtain from the absent Commission member written verification of his absentee vote. An absentee vote that is the subject of a proper written request for verification shall not be official unless and until such written verification is received by the Town Clerk, such verification is to the satisfaction of the Town Clerk, and the Town Clerk has filed written and signed indication of being satisfied with such verification in the records of the Town, all of which shall occur before the action being voted on shall become effective, but in any event within twenty (20) days after the date on which the vote occurred. The failure of any one of the above conditions to be timely met shall automatically result in the absentee vote in question being null and void. The Town Clerk shall send to all Commission members a copy of such written and signed indication of being satisfied with such verification.
   c. An absentee vote shall be valid unless a written request for verification of the absentee vote is filed by a Commission member with the Town Clerk immediately at the conclusion of the vote, and before the next order of business is taken up by the Commission.

APPENDIX 3 – Rules for Public Hearings

(Note: the rules shown herein apply to legally required public hearings and may or may not, as order by the Commission, also apply to public discussions at public meetings. With the affirmative vote of a majority of Commissioners present, any of the following rules may be changed or omitted. In the event that any of these rules and any applicable provision of *Robert's Rules* is not strictly observed and no Commissioner makes a timely *Point of Order* in the meeting to call the breach to the Presiding Officer's attention, it will be assumed that there is unanimous consent of the Commissioners present to permit the breach.)

Public Hearings (not Quasi-Judicial)

1. The agenda that includes a matter for a public hearing may designate a time limit during which speakers, including any applicant's presentation, will be heard. In order to stay within the designated time period, the President will control the order in which

speakers are recognized and their time limits, and the President will cut off repetitive, redundant or non-germane testimony.

2. If a speakers' list is provided by the Commission, any person wishing to address the Commission during the public hearing must fill in the speaker list form. If the speaker will be the spokesperson for others in attendance, their names must be listed by the speaker's name on the list. Generally, speakers will be recognized in the order they appear on the speaker list, with Town residents being given priority.
3. Unless otherwise ordered by the President, the time for each speaker's comments during a public meeting will be limited to a maximum of five minutes. A spokesperson representing five or more persons present who relinquish their right to speak will be granted a maximum of twice the time permitted individual speakers. Statements that would take longer than the set time limits should be presented in writing (see 9 below).
4. Applicants and their attorneys, representatives, experts and supporting witnesses must be concise and coordinate their presentations to avoid repetition and unnecessary length. The total time allowed for the applicant's entire presentation will be limited to a maximum of one quarter of the time scheduled for the meeting, up to a maximum of twenty minutes. At the discretion of the President, rebuttal comments by the applicant or applicants' representative may be allowed. If allowed, rebuttal comments will address matters and questions raised by Commissioners, the public or town staff, and must be brief.
5. The purpose of public comment is to provide information and the speaker's views for Commission consideration. Any questions raised by the speaker will not be answered by the Commission during the public meeting, but will be referred for follow-up by the Town Manager or town staff after the conclusion of the public meeting. It is not appropriate in the public meeting for the speakers to debate the matter under consideration with other speakers, the audience, or members of the Commission. All comments should be addressed through the President. Questions may be posed to the speakers, an applicant, any applicant's representatives, and town staff by Commissioners, after being recognized by the President. Except when answering a direct question from a Commissioner, all remarks will be addressed to the Commission as a whole, and not to individual members.
6. Exhibits, letters, petitions and other documentary items presented or shown to the Commission on a public meeting matter become part of the record of the public meeting. Ten collated sets of written or graphic materials should be provided by the speaker one working day prior to the commencement of the meeting to allow for distribution to the President and Commission, key town staff, and a copy for the Town Manager to include in the public record of the meeting. Reduced copies (8 ½ x 11 or 8 ½ x 14) of large graphic exhibits should be provided as part of the sets of materials for distribution to the Commission, town staff, and for the record. This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups also are encouraged to provide ten sets of petitions where possible.

Quasi-judicial public hearings

(Taken from Resolution 2006-24)

1. Where not inconsistent with these rules, the Commissioners of St. Michaels' Rules of Conduct at Public Meetings will apply.
2. Definitions:
    a. *Applicant* shall mean the owner of record, the owner's agent (with proof of authority to act for owner), or any person with a legal or equitable interest in the property which is the subject of the proceeding.
    b. *Commission* shall mean the Commissioners of St. Michaels.
    c. *Expert* shall mean a person deemed by the Commission to be qualified in a subject matter by knowledge, skill, experience, training, and/or education.
    d. *Intervener* shall mean a person or group who opposes the approval of an application or a material element thereof and demonstrates to the satisfaction of the Commission that such person or group will, if the application is approved, suffer an adverse effect or impact to a protected interest that is greater by degree than a general community interest shared by the public at large.
    e. *Participants* shall mean members of the general public who offer unsworn testimony for the purpose of being heard on the matter, but excluding the applicant, staff, interveners or witnesses. Interveners, including persons in a group recognized as an Intervener, may not participate as P*articipants* as this term is applied in these rules.
    f. *Party* shall mean the Applicant, the Town of St. Michaels, or any recognized Intervener.
    g. *Staff* shall mean any employee, agent or representative of the Town of St. Michaels.
    h. *Witness* shall mean a person who testifies under oath.
3. Intervention.
    a. A person seeking to be an Intervener must, in the absence of good cause, make a request in writing at least 7 days prior to the hearing to the St. Michaels Town Clerk – Manager, who will promptly notify the other parties of such request. Such request shall set forth facts sufficient to establish standing. If a group makes the request, all members of the group shall be identified.
    b. A person seeking to be an Intervener must comply with any pre-hearing order of the Commission (*see* 4.d and 4.e *infra*).
    c. The Commission will rule on any request from a person or group seeking status as an Intervener at the outset of the hearing.
4. The Commission, sufficiently far in advance to permit the parties reasonable time to prepare, will:

a. Set the time and date for the hearing. Because of the nature of some matters, more than one meeting session may be necessary. If this is the case, the Commissioners will designate in advance how the following order of the proceeding will be scheduled among the separate hearing sessions. If multiple sessions are necessary, they should be scheduled far enough apart to permit time for continuances of an element of the proceedings before the next element is scheduled to start. Whenever possible the hearings will be scheduled in the evenings for periods no longer than 4 hours. If it appears a hearing will run substantially longer than planned or later than 10 p.m., it shall be continued.

b. Establish time limits for presentation by the parties. Such limits shall allow time for questions by the Commission and cross examination by other parties.

c. Establish time limits for all the other elements in the proceedings. Unless otherwise established by the Commission, the time limits set out in the Rules of Conduct at Public Meetings will apply to participants during the public comment period.

d. Set the deadlines before the hearing date(s) for the delivery of documents. The Commission will also establish the rules governing documents delivered late that protect the due-process rights of the parties.

e. Set deadlines before the hearing date(s) for the designation of witnesses.

5. Order of the proceeding.

a. Opening the hearing: The presiding officer will announce the nature and purpose of the hearing, summarize the rules for the hearing, identify the applicant, and list the applicable substantive criteria to which testimony and evidence must be directed in order for the application to be approved, and rule on any requests for intervention.

b. Swearing in: The Applicant, staff, Intervener and all Witnesses shall be sworn. An attorney, who is licensed to practice law in the State of Maryland and is appearing only in a representational capacity, will not be sworn, but any statements made by the attorney will not be considered evidence.

c. Staff's presentation: The Staff shall introduce any additional exhibits, summarize issues, and, if appropriate, state their findings of fact and recommendation. If applicable, the planning commission's findings of fact and recommendation will have been distributed by the document deadline set by the Commission.

d. Applicant's presentation: The Applicant shall present evidence in support of the application under review. Evidence offered pursuant to the leading questions of the attorney for Applicant may be afforded little weight, at the discretion of Commission.

e. Intervener's presentation: The Intervener (or Interveners, if more than one is eligible) shall present evidence relative to the application. When there is more than one intervener, the Commission encourages them to coordinate and consolidate their presentations to avoid repetition and disorganization. Evidence

offered pursuant to the leading questions of any attorney for Interveners may be afforded little weight, at the discretion of Commission.

f. Public comment: Participants in favor of the application will be recognized first, and then those in opposition will be recognized. Those making neutral comments will be heard last. Participants will generally not be sworn, qualified as experts or subject to cross-examination. The Commission generally shall not assign such unsworn or unqualified testimony the same weight or credibility in its deliberations as that assigned to the evidence offered by a Party. Participants may be questioned by the Commission.

g. Rebuttals: The Applicant shall have an opportunity to rebut evidence presented by an Intervener or Staff, and to respond to comments made by Participants. An Intervener may respond to Participants, and to any new evidence that may have been introduced after Intervener closed his presentation. New evidence shall not otherwise be introduced. Staff, at the discretion of the Commission, may be afforded an opportunity to answer questions of the Commission that address issues arising as the result of evidence introduced by the Parties or statements made by Participants.

h. Summations: First the Interveners and then the Applicant will present a final summary of their arguments. These shall be succinct and directed toward the substantive criteria the Commission must consider. The Commission may set time limits on summations and/or order Interveners with similar issues to designate a person to offer summation on their collective behalf.

i. Closing: The presiding officer shall declare the public hearing closed. He/She shall also close the record, unless for a compelling due-process reason the Commission decides to hold the record open for specific items or issues. If the record is held open, all Parties shall be afforded an equal opportunity to supplement the record.

6. Burden of proof: The Applicant shall bear the burden of presenting evidence sufficient to satisfy each statutory and regulatory requirement necessary for approval of the application.

7. Any expert witness shall be subject to qualification as an expert by the Commission.

8. Cross-examination.

   a. The Applicant, Staff, any Intervener or other Witness providing sworn testimony is subject to cross-examination.

   b. Participants, while subject to questioning by the Commission, are not subject to cross-examination by any other Party, unless the Commission determines the testimony to be of such a nature that cross-examination is necessary to ensure due process.

   c. The Commission may limit the scope of cross-examination to the matters and facts at issue with respect to the application, qualifications of experts, bias or veracity of a witness.

d. The presiding officer may direct the party conducting the cross-examination to stop a particular line of questioning that:

   i. Merely harasses, intimidates or embarrasses the individual being cross-examined; or

   ii. Is not relevant to and is beyond the scope of the testimony and evidence offered by the individual being cross-examined.

e. In cases where more than one Party will cross examine a person, the Parties shall avoid repeating questions of a previous cross examiner that have been answered.

APPENDIX 4 – Rules for addressing the Commission

(Note: these rules apply to all public meetings that are not public hearings or public discussions as defined in Appendix 3.)

PUBLIC COMMENT during legislative sessions:

All other comments from the public will be taken during the period set aside for "Comments from the Public" at the beginning of the meeting.

To be recognized, a member of the public should raise his or her hand and wait to be recognized by the President. Comments and questions should be kept brief and to the point, and be directed to the President. Comments directed to other members of the public are not permitted.

PUBLIC COMMENT during working sessions:

While the commissioners are considering listed discussion topics, members of the public may be recognized and permitted to participate at the discretion of the President.

All other comments from the public will be taken during the period set aside for "Comments from the Public" at the beginning of the meeting.

To be recognized, a member of the public should raise his or her hand and wait to be recognized by the President.

APPENDIX 5 - Introduction and passage of legislation

Introduction of legislation:

1. The support of two commissioners is sufficient to introduce an ordinance or, when required, a resolution.
2. The names of all commissioners introducing legislation shall be listed on the ordinance as it proceeds through the legislative process.

Passage of legislation:

1. No ordinance, except in the case of an emergency, shall be passed at the meeting at which it is introduced.
2. In cases of emergency, the provision that an ordinance may not be passed at the meeting in which it is introduced may be suspended by the affirmative votes of four members of the Commission.
3. At any regular or special "legislative" session or meeting held not less than six nor more than seventy days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration postponed to a certain time or meeting.
4. Since legislation will have (generally) been introduced at a previous meeting, a motion and a second are not necessary in order to bring such legislation to a vote.

APPENDIX 6 – Open session exceptions

Closed session of the Commission is governed by the Annotated Code of Maryland, State Government Article Subtitle 5. (Meetings), §10-508. (Closed session permitted.)

As approved by §10-508(a), the Commission may meet in closed session or adjourn an open session to a closed session only to:

(1) discuss:
(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
(ii) any other personnel matter that affects 1 or more specific individuals;

(2) protect the privacy or reputation of individuals with respect to a matter that is not related to public business;

(3) consider the acquisition of real property for a public purpose and matters directly related thereto;

(4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

(5) consider the investment of public funds;

(6) consider the marketing of public securities;

(7) consult with counsel to obtain legal advice;

(8) consult with staff, consultants, or other individuals about pending or potential litigation;

(9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
(i) the deployment of fire and police services and staff; and
(ii) the development and implementation of emergency plans;

(11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

(14) before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Note:
The Commission may not discuss or act on any matter not permitted under §10-508 (a). The exceptions in §10-508(a) shall be strictly construed in favor of open meetings of public bodies and a majority of the Commissioners present must vote in favor of closing the session. Before a public body meets in closed session, the presiding officer shall:
(i) conduct a recorded vote on the closing of the session; and
(ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.

APPENDIX 7- Rules for Annual Election of Officers-

Order

The current President shall preside until a successor is elected. The Commissioners shall conduct the vote for President, then Vice President, then Treasurer. Whoever is elected President shall preside over the balance of the meeting.

Nominations

The President of the Commission shall call for nominations one position at a time and allow that anyone may nominate another or themselves. A nomination does not require a second.

Procedure

The President of the Commission shall call for the vote on each position. The vote shall be by roll call and if more than one person is nominated, then each one will be voted on individually, going in alphabetical order. If someone is not elected to one position, they can be nominated for another position.