

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

Office: 301-600-6300 • Fax: 301-600-6313

www.emmitsburgmd.gov

TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, FEBRUARY 12, 2024

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **FUTURE MEETINGS**

Park's Committee Meeting: February 13, 2024, 7:30 pm (Town Office)

Planning Commission Meeting: February 19, 2024, 7:00 pm (Town Office & Zoom)

Comprehensive Plan Workshop: February 26, 2024, 7:00 pm (Town Office & Zoom)

Board of Commissioners Meeting: March 4, 2024, 7:00 pm (Town Office & Zoom)

MEETING ITEMS

A. COMMISSIONER COMMENTS

B. MAYOR COMMENTS

C. PUBLIC COMMENTS

D. ADMINISTRATIVE BUSINESS (NONE)

E. CONSENT AGENDA

1. For consideration, approval of Leslie Frei to the Sustainable Communities Workgroup with a term of 02/12/2024-02/12/2029.

F. TREASURER'S REPORT (NONE)

G. PLANNING COMMISSION REPORT

H. AGENDA ITEMS (DETAILS ATTACHED)

1. For consideration, approval of the updated rules of Procedure for Board of Commissioner meetings to include provisions for closed meetings, workshops, etc.
2. For consideration, setting priorities for the Town.

I. SET AGENDA FOR NEXT MEETING: March 4, 2024

4. **CLOSED SESSION:** To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals pursuant to Md. Code Ann. Gen. Prov. § 3-305(b)(1).

You are invited to a Zoom meeting.

When: Feb 12, 2024 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/tZckcOuppz4iGNXtbLpA3HiJiFGAyUXC59Ig>

A. COMMISSIONERS COMMENT



B. MAYOR'S COMMENTS



C. PUBLIC COMMENTS



D. ADMINSTRATIVE BUSINESS (NONE)

E. CONSENT AGENDA

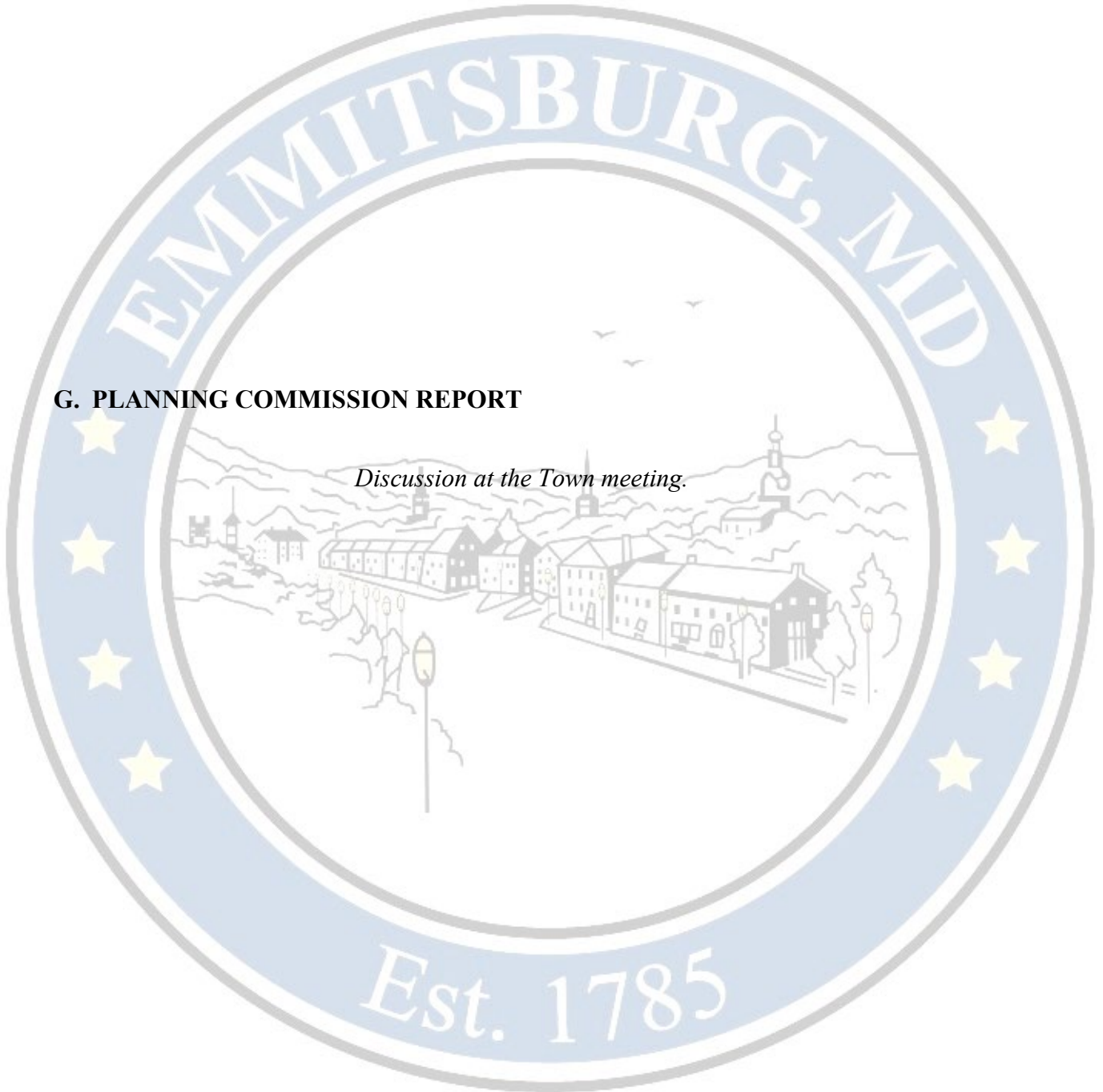
1. For consideration, approval of Leslie Frei to the Sustainable Communities Workgroup with a term of 02/12/2024-02/12/2029.



F. TREASURER'S REPORT (NONE)

G. PLANNING COMMISSION REPORT

Discussion at the Town meeting.



H. AGENDA ITEMS

AGENDA ITEM #1: For consideration, approval of the updated rules of Procedure for Board of Commissioners meetings to include provisions for closed meetings, workshops, etc.

- *First Rules of Procedure is Red Lined.*
- *Second Rules of Procedure is Final.*



Town of Emmitsburg

Board of Commissioners Rules of Procedure

Section 1: Purpose and Authority

Pursuant to Article II, Section 5 of the Town of Emmitsburg Charter, these rules of procedure are adopted as a guide to assist the Emmitsburg Board of Commissioners (the "[CommissionersBoard](#)") in the orderly and efficient conduct of all matters that come before the Commissioners.

Section 2: Agenda Items

- 2.1. A written agenda for each [CommissionerBoard](#) meeting containing known items of business and topics to be discussed at the meeting shall be made available to the public as soon as practicable after the agenda has been determined, but no later than twenty-four (24) hours prior to the meeting.
- 2.2. An item shall be placed on the agenda at the request of the [Mayor](#) or two or more Commissioners. Requests to add items to the agenda for future meetings shall be made at the end of each meeting except as otherwise provided by this Section.
- 2.3. If an item of business or topic requiring discussion arises after a meeting agenda has been set and it would be in the best interest of the Town for the [CommissionersBoard](#) to act upon or discuss the item at its next meeting, the item may be placed on the agenda by the Town Manager upon receiving a request in writing from the Mayor or two or more Commissioners, provided the request is made with enough time to allow for the publication of a revised agenda more than twenty-four (24) hours prior to the meeting.
- 2.4. If the Town is unable to publish a complete agenda more than twenty-four (24) hours prior to a meeting because the meeting or agenda item was scheduled in response to an emergency, natural disaster, or any other unanticipated situation, the Town shall make available on request a complete agenda of the meeting within a reasonable time after the meeting occurs.
- 2.5. Any item may be removed from the agenda upon the affirmative vote of at least four Commissioners at the commencement of a [CommissionerBoard meeting](#). If an item was added to the agenda by the Mayor or Commissioners at the request of a member of the public, that person may withdraw the item from consideration by providing written notice to the Town Manager more than twenty-four (24) hours prior to the meeting.

- 2.6. Items which do not require discussion and are expected to receive the approval of the CommissionersBoard may be placed on the Consent Agenda. ~~Items may only be added to the Consent Agenda for a future meeting at the end of an open meeting of the Commissioners.~~ All items on a meeting's Consent Agenda shall be decided by a single motion and vote. If any Commissioner believes that an item on the Consent Agenda requires discussion the item may be removed from the Consent Agenda at their request and the matter shall be considered separately at the meeting.
- 2.7. The agenda shall not include the subject matter regarding the portion of any meeting closed in accordance with Maryland Open Meetings Act, but shall include the statutory exception on which the Board plans to rely to close the meeting.

Section 3: Meetings

- 3.1. The CommissionersBoard shall hold at least one regular meeting per month at a place and time designated by resolution.
- 3.2. The CommissionersBoard may hold special meetings in addition to the regular meeting as necessary for the transaction of business. A special meeting shall be called upon the request of the Mayor or two Commissioners. Notice of a special meeting shall be sent to the Mayor and Commissioners at least seventy-two (72) hours before the special meeting. However, if the special meeting is called to address an emergency, natural disaster, or any other unanticipated situation requiring immediate discussion or action, notice shall be sent to the Mayor and Commissioners at least twelve (12) hours before the meeting, if practicable.
- 3.3. A quorum for each meeting is three Commissioners. A Commissioner who disqualifies himself or herself or is ineligible to vote on a particular matter is not included for purposes of determining a quorum. No decisionaction may be madetaken in the absence of a quorum.
- 3.4. All regular and special meetings of the CommissionersBoard shall be subject to the Maryland Open Meetings Act. The CommissionersBoard shall keep a true and accurate record of all proceedings at all meetings and hearings. All meetings shall be recorded and the recording may be accepted as the official record until the minutes are prepared and approved by the CommissionersBoard. The minutes shall include: (1) each item that the public body considered; (2) the action that the public body took on each item; and (3) each vote that was recorded. The Town Manager shall be responsible for preparing the minutes, but may delegate this responsibility to other Town staff.
- 3.5. The order of business for a regular or special meeting will be as follows:
 - (a) Call to order;

- (b) Pledge of Allegiance
- (c) Notice of Future Meetings and Events
- (d) Town Manager and Planner Reports
- (e) Commissioner and Mayor Comments
- (f) Public Comments
- (g) Administrative Business
- (h) Consent Agenda
- (i) Treasurer's Report
- (j) Planning Commission Report
- (k) Agenda Items
- (l) Setting of Agenda for Next Meeting

3.6 A Commissioner who disqualifies himself or herself ~~or is ineligible to vote on a particular from an~~ agenda item pursuant to the Town Code of Ethics or for any other reason should exit the meeting room and shall not participate in the discussion of that agenda item. ~~or vote on that agenda item~~

3.7. The Board shall provide time during regular and special meetings for members of the public to address the Board on relevant matters. Public comment shall only be received at the time set forth on the agenda. A person who wishes to make public comment shall wait to be recognized by the President and shall state their name, whether or not they are a resident of the Town, and the persons or organization they represent, if any. Public comment shall be limited to four minutes per person, which may only be exceeded upon consent of the Board.

3.8. At the first meeting of the CommissionersBoard following the Town's annual election, the CommissionersBoard shall elect one Commissioner to serve as President of the Board of Commissioners ~~and~~, one Commissioner to serve as Vice President, and one Commissioner to serve as Treasurer. The President ~~and~~, Vice President, and Treasurer shall each serve a one-year term until their successor is elected.

3.89. The President shall preside over all meetings of the CommissionersBoard. The Vice President shall preside over meetings in the absence of the President, or for any portion of a meeting in which the President is presenting a motion.

3.910. The CommissionersBoard shall ~~provide time for the members of the public to address the Commissioner~~ take action on relevant matters. ~~Public comment shall only be received at the time set forth on the an agenda, item by motion and the President vote.~~

(a) Any Commissioner may ~~set a time limit on public comment. A person who wishes to make public comment shall wait to be a motion on an agenda item after being~~ recognized by the President and presiding officer.

- (b) A motion shall clearly state what action the Commissioner proposes the Board take.
- (c) All motions must receive a "second" from another Commissioner to be considered by the Board. If a motion does not receive a "second", the motion shall not be considered and the Board shall state their name, home address, continue transacting business.
- (d) If a motion receives a "second", the presiding officer shall repeat the motion as presented and the persons or organization they represent, open the floor to discussion and debate.
- (e) During discussion and debate of a motion, any Commissioner may move to amend the motion by modifying its language. The Board shall consider and vote on a motion to amend immediately before continuing discussion and debate of the main motion. If the motion to amend passes, the Board shall consider the main motion as amended. If a motion to amend fails, the Board shall consider the main motion as originally presented.
- (f) During discussion and debate of a motion, any Commissioner may move to divide the motion into separate parts if any—each proposed part is capable of being voted upon and enacted independently. The motion to divide must clearly state the manner in which the main motion is to be divided. The Board shall consider and vote on a motion to divide immediately before continuing discussion and debate of the main motion.
- (g) During discussion and debate of a motion, any Commissioner may move to table consideration of a motion to a specified later date. The Board shall consider and vote on a motion to table immediately before continuing discussion and debate of the main motion.
- (h) When discussion and debate of a motion has ended, the presiding officer shall put the motion to a vote. Following the vote on a motion, the President or presiding officer shall announce the results.

3.1011. Except as otherwise provided for in these rules, Robert's Rules of Order Revised shall control the procedure of the Commissioner's Board's meetings.

Section 4: Public Hearings

- 4.1. The procedures in this Section 4 shall apply to all public hearings before the Commissioners required by Maryland law or the Town Code Board.
- 4.2. The President of the Board of Commissioners

4.2. A public hearing occurs during a regular or special meeting of the Board and addresses a specific proposal or project. Public hearings shall be held when required by Maryland law or the Town Code. There are two types of public hearings:

(a) Legislative Public Hearings- involve matters in which the Board exercises its law-making power, such as the adoption of amendments to the Town Charter and annexation resolutions. The purpose of legislative public hearings is to provide notice to Town residents of the action contemplated by the Board and a special forum to receive public comment on the issue.

(b) Quasi-Judicial Public Hearings- involve proceedings which typically apply to a specific person or property as opposed to the Town at large, are initiated by a member of the public rather than the Board, and require the Board to make findings and determinations based upon the record produced at the hearing. For example, zoning amendments proposed by a property owner to change a property's zoning classification require quasi-judicial public hearings. Quasi-judicial public hearings require additional due process protections as provided herein.

4.3. All public hearings shall be advertised as required by the applicable Maryland law or Town Code section.

4.4 The President of the Board shall preside over all public hearings. The President shall commence the public hearing by reading the agenda item and asking the Town Manager ~~is~~if the public hearing has been properly advertised.

4.35. The President may set time limits on receiving testimony, including limits on the time for individual speakers, and limits on the total time permitted for oral testimony. The President may increase or decrease any time limits and sequence of evidence presentation, however in most cases the following time limits and sequencing will apply to the extent applicable:

- (a) Staff Presentation 15 minutes
- (b) Applicant Testimony ~~_____~~ /Moving Party Comments 10 minutes
- (c) Government Official Testimony ~~_____~~ /Comments 5 minutes
- (d) Representatives of Organizations ~~Testimony _____~~ 5 minutes
Testimony/Comments
- (e) ~~Adjacent and confronting property owners~~ Confronting Property Owners
(e) Testimony/Comments _____ 5 minutes
- (f) Other Public Testimony ~~_____~~ /Comments 5 minutes
- (g) Applicant/Moving Party Rebuttal _____ 5 minutes

- 4.46. The President has the discretion to limit the presentation of unduly repetitive and duplicative testimony.
- 4.57. All testimony before the CommissionersBoard during quasi-judicial public meetings must be sworn. The presiding officerPresident may administer the following oath en masse at the outset of the hearing to all prospective speakers, or individually to each speaker before they give testimony:

"Do you solemnly swear or affirm under the penalties of perjury that the response testimony given and the statements made by you in these proceedings will be the whole truth and nothing but the truth? Is so, state 'I do'."

- 4.68. No formal rules of evidence apply. The CommissionersBoard may consider any relevant evidence that assists in reaching a decision. However, the President may exclude evidence which is irrelevant, immaterial, inappropriate, scandalous, or unduly duplicative.
- 4.79. The Commissioners may ask questions of any speaker at any time during the hearing. Any person may request to cross-examine another speaker at the end of the speaker's testimony by making a request to the President prior to the speaker's testimony. Cross-examination shall be limited to questions pertaining to the speaker's testimony and must not be argumentative or repetitive.
- 4.810. Any exhibit presented at the public hearing must be assigned an exhibit number and marked and identified for the record. The exhibit or an accurate representation of the exhibit must be given to the TownBoard for inclusion in the administrative record.
- 4.911. Once all testimony has been received, the public hearing is closed and the record shall remain open only for the length of time designated by the CommissionersBoard to receive additional public comment, if any. If the Commissioners do Board does allow the record to remain open to receive additional public comment, the applicant shall be awarded an additional five minutes of rebuttal time during the next public meeting before the Commissioners voteBoard votes on the issue.

Section 5: Workshops

- 5.1. The Board may hold workshops in addition to regular and special meetings for purposes of discussing public business without taking action. The Board shall neither vote nor take any other action, other than providing direction to Town staff, at a workshop.

- 5.2. A workshop shall be called upon the request of the Mayor or two Commissioners. Notice of a workshop shall be sent to the Mayor and Commissioners at least one week before the workshop.
- 5.3. A quorum is not required for a workshop.
- 5.4. All workshops shall be subject to the Maryland Open Meetings Act. The Board shall keep a true and accurate record of all proceedings at all workshop. All workshops shall be recorded and the recording shall be accepted as the official record. The Board need not prepare minutes for a workshop. A written agenda for all workshops shall be made available as required by Section 2 of these Rules of Procedure.
- 5.5. The order of business for a workshop need not follow the order of business for a regular or special meeting. After calling the workshop to order, the Board may move directly to the agenda items.
- 5.6. A Commissioner who would be disqualified from voting on an agenda item shall exit the meeting room and shall not participate in the discussion of that agenda item during a workshop.
- 5.7. The Board shall not accept public comment during a workshop.

Section 6: Closed Meetings

- 6.1. The Board may meet in closed session provided it complies with the requirements of Md. Code Ann. Gen. Prov. § 3-101 et seq. and this Section 6.
- 6.2. Before meeting in a closed session, the Board shall provide reasonable advance notice of the closed session in the same manner it provides notice of its open meetings.
- 6.3. The agenda for the meeting at which the closed session shall occur must reflect that the Board expects to close a portion of the meeting in accordance with Md. Code Ann. Gen. Prov. §3-305. If the meeting will be entirely closed, the agenda shall invite the public to a separate open session preceding the closed session. The agenda shall not disclose the subject matter of the closed session but shall include the statutory exception on which the Board plans to rely to close the meeting.
- 6.4. Before entering into a closed session, the Board must first meet in open session. The presiding officer shall make a written statement of the reasons for closing the meeting (the "Closing Statement"). The Closing Statement shall include a citation of the statutory exception provided in Md. Code Ann. Gen. Prov. § 3-305 permitting the Board to hold a closed session, the topics to be discussed, and the

reason for closing the meeting. The Closing Statement may be prepared by staff in advance of the meeting. A sample Closing Statement is attached hereto as Exhibit A. A sample script for the presiding officer to introduce the Closing Statement and call for a vote is attached hereto as Exhibit B.

- 6.5. After reading the Closing Statement, the President shall call for a motion to adopt the Closing Statement and to close the meeting and conduct a vote. If the motion to enter closed session carries, all members of the public shall be excluded from the meeting and the Board will enter into closed session.
- 6.6. During the closed session, the Board shall limit its discussion to the topics identified in the Closing Statement. The Board's discussion of these topics shall not exceed the scope of the statutory exception cited in the Closing Statement.
- 6.7. After the closed session, the Board shall disclose the topics discussed, the individuals who attended, and any actions taken by the Board during the closed session in the minutes of the next open meeting. Unless a Commissioner or staff member who has received training on the requirements of the open meeting laws attends the closed session, the Board must also include the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General in the minutes of the next open session. A sample Closed Session Summary is attached hereto as Exhibit C.



Est. 1785

EXHIBIT A

SAMPLE CLOSING STATEMENT

On _____ at _____ p.m. at the Town Meeting Room, upon motion made to meet in Closed Session pursuant to Md. Code Ann., Gen. Prov. Art. § 3-305(b) by _____ and seconded by _____, the Town Meeting is closed for discussion of the following topics under the authority and for the reasons set forth below:

Topics to be discussed:

Applications for head of the public works department.

Statutory authority to close session:

Md. Code Ann. Gen. Prov. Art. § 3-305(b)(1), to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

Reason for closing session:

This matter is being discussed in closed session because public discussion of applicants' names and job information could discourage people from apply for Town jobs.

Voting in Favor:

Voting Against



Absent

This statement is made by: _____, Presiding Officer

EXHIBIT B

SAMPLE SCRIPT INTRODUCING CLOSING STATEMENT

We now turn to our final agenda item. The Mayor and Board of Commissioners intend to meet in closed session to discuss applications for the head of the public works department. This is the final agenda item, and the Board of Commissioners will not be meeting in another open session after the closed session has ended.

Pursuant to Maryland Code Annotated, General Provisions Article § 3-305(d), prior to closing a meeting, the Commissioners must conduct a recorded vote to close the meeting and make a written statement of the reason for closing the meeting, including a citation of the authority for closing the meeting under Maryland Code Annotated General Provisions Article § 3-305(b) and a listing of the topics to be discussed.

I will now read the proposed closing statement which has been prepared by staff.

The topic to be discussed during the closed meeting is applications for head of the public works department.

The authority for meeting in closed session for this purpose is Maryland Code Annotated General Provisions Article, § 3-305(b)(1), which authorizes the Board of Commissioners to meet in closed session to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

The reason for closing the session is that public discussion of applicants' names and job information could discourage people from apply for Town jobs.

Do I hear a motion to adopt the closing statement as read and to enter into a closed meeting?



EXHIBIT C
SAMPLE CLOSED-MEETING SUMMARY
TO BE INCLUDED IN THE MINUTES IN THE NEXT OPEN MEETING

Time, Place and Purpose of Closed Meeting

Time of closed meeting: 8:15 p.m.

Place of closed meeting: Town Meeting Room

Purpose of closed meeting: To discuss applications for the head of the public works department.

Record of Vote to Close the Meeting:

The following commissioners voted in favor of closing the meeting:

The following commissioners voted against closing the meeting:

The following commissioners abstained from the vote to close the meeting:

Statutory authority to close the meeting:

Md. Code Ann. Gen. Prov. Art. § 3-305(b)(1), to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

Topics of Discussion:

The following topics were discussed during the closed session:

The commissioners discussed the applications of three candidates for appointment to the position of head of the public works department.

Persons Present for Discussion:

The following persons were present for the discussion:

Action Taken/Recorded Votes

The Board of Commissioners voted appoint _____ to the position of head of the public works department.

Voting in Favor:

Voting Against:

Absent:

The closed session adjourned at 8:45 p.m.

This summary is made by: _____, Presiding Officer



Est. 1785

Town of Emmitsburg

Board of Commissioners Rules of Procedure

Section 1: Purpose and Authority

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- 2.2. An item shall be placed on the agenda at the request of the Mayor or two or more Commissioners. Requests to add items to the agenda for future meetings shall be made at the end of each meeting except as otherwise provided by this Section.
- 2.3. If an item of business or topic requiring discussion arises after a meeting agenda has been set and it would be in the best interest of the Town for the Board to act upon or discuss the item at its next meeting, the item may be placed on the agenda by the Town Manager upon receiving a request in writing from the Mayor or two or more Commissioners, provided the request is made with enough time to allow for the publication of a revised agenda more than twenty-four (24) hours prior to the meeting.
- 2.4. If the Town is unable to publish a complete agenda more than twenty-four (24) hours prior to a meeting because the meeting or agenda item was scheduled in response to an emergency, natural disaster, or any other unanticipated situation, the Town shall make available on request a complete agenda of the meeting within a reasonable time after the meeting occurs.
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- 2.6. Items which do not require discussion and are expected to receive the approval of the Board may be placed on the Consent Agenda. All items on a meeting's Consent Agenda shall be decided by a single motion and vote. If any Commissioner believes that an item on the Consent Agenda requires discussion the item may be removed from the Consent Agenda at their request and the matter shall be considered separately at the meeting.
- 2.7. The agenda shall not include the subject matter regarding the portion of any meeting closed in accordance with Maryland Open Meetings Act, but shall include the statutory exception on which the Board plans to rely to close the meeting.

Section 3: Meetings

- 3.1. The Board shall hold at least one regular meeting per month at a place and time designated by resolution.
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- 3.3. A quorum for each meeting is three Commissioners. A Commissioner who disqualifies himself or herself or is ineligible to vote on a particular matter is not included for purposes of determining a quorum. No action may be taken in the absence of a quorum.
- 3.4. All regular and special meetings of the Board shall be subject to the Maryland Open Meetings Act. The Board shall keep a true and accurate record of all proceedings at all meetings and hearings. All meetings shall be recorded and the recording may be accepted as the official record until the minutes are prepared and approved by the Board. The minutes shall include: (1) each item that the public body considered; (2) the action that the public body took on each item; and (3) each vote that was recorded. The Town Manager shall be responsible for preparing the minutes, but may delegate this responsibility to other Town staff.
- 3.5. The order of business for a regular or special meeting will be as follows:
 - (a) Call to order;
 - (b) Pledge of Allegiance
 - (c) Notice of Future Meetings and Events
 - (d) Town Manager and Planner Reports

- (e) Commissioner and Mayor Comments
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- 3.7. The Board shall provide time during regular and special meetings for members of the public to address the Board on relevant matters. Public comment shall only be received at the time set forth on the agenda. A person who wishes to make public comment shall wait to be recognized by the President and shall state their name, whether or not they are a resident of the Town, and the persons or organization they represent, if any. Public comment shall be limited to four minutes per person, which may only be exceeded upon consent of the Board.
- 3.8. At the first meeting of the Board following the Town's annual election, the Board shall elect one Commissioner to serve as President of the Board of Commissioners, one Commissioner to serve as Vice President, and one Commissioner to serve as Treasurer. The President, Vice President, and Treasurer shall each serve a one-year term until their successor is elected.
- 3.9. The President shall preside over all meetings of the Board. The Vice President shall preside over meetings in the absence of the President, or for any portion of a meeting in which the President is presenting a motion.
- 3.10. The Board shall take action on an agenda item by motion and vote.
- (a) Any Commissioner may make a motion on an agenda item after being recognized by the presiding officer.
 - (b) A motion shall clearly state what action the Commissioner proposes the Board take.
 - (c) All motions must receive a "second" from another Commissioner to be considered by the Board. If a motion does not receive a "second", the motion shall not be considered and the Board shall continue transacting business.

- (d) If a motion receives a “second”, the presiding officer shall repeat the motion as presented and open the floor to discussion and debate.
- (e) During discussion and debate of a motion, any Commissioner may move to amend the motion by modifying its language. The Board shall consider and vote on a motion to amend immediately before continuing discussion and debate of the main motion. If the motion to amend passes, the Board shall consider the main motion as amended. If a motion to amend fails, the Board shall consider the main motion as originally presented.
- (f) During discussion and debate of a motion, any Commissioner may move to divide the motion into separate parts if each proposed part is capable of being voted upon and enacted independently. The motion to divide must clearly state the manner in which the main motion is to be divided. The Board shall consider and vote on a motion to divide immediately before continuing discussion and debate of the main motion.
- (g) During discussion and debate of a motion, any Commissioner may move to table consideration of a motion to a specified later date. The Board shall consider and vote on a motion to table immediately before continuing discussion and debate of the main motion.
- (h) When discussion and debate of a motion has ended, the presiding officer shall put the motion to a vote. Following the vote on a motion, the President or presiding officer shall announce the results.

3.11. Except as otherwise provided for in these rules, Robert’s Rules of Order Revised shall control the procedure of the Board’s meetings.

Section 4: Public Hearings

- 4.1. The procedures in this Section 4 shall apply to all public hearings before the Board.
- 4.2. A public hearing occurs during a regular or special meeting of the Board and addresses a specific proposal or project. Public hearings shall be held when required by Maryland law or the Town Code. There are two types of public hearings:
 - (a) Legislative Public Hearings- involve matters in which the Board exercises its law-making power, such as the adoption of amendments to the Town Charter and annexation resolutions. The purpose of legislative public hearings is to provide notice to Town residents of the

action contemplated by the Board and a special forum to receive public comment on the issue.

- (b) Quasi-Judicial Public Hearings- involve proceedings which typically apply to a specific person or property as opposed to the Town at large, are initiated by a member of the public rather than the Board, and require the Board to make findings and determinations based upon the record produced at the hearing. For example, zoning amendments proposed by a property owner to change a property's zoning classification require quasi-judicial public hearings. Quasi-judicial public hearings require additional due process protections as provided herein.

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- | | |
|--|------------|
| (a) Staff Presentation | 15 minutes |
| (b) Applicant Testimony/Moving Party Comments | 10 minutes |
| (c) Government Official Testimony/Comments | 5 minutes |
| (d) Representatives of Organizations
Testimony/Comments | 5 minutes |
| (e) Adjacent and Confronting Property Owners
Testimony/Comments | 5 minutes |
| (f) Other Public Testimony/Comments | 5 minutes |
| (g) Applicant/Moving Party Rebuttal | 5 minutes |

4.6. The President has the discretion to limit the presentation of unduly repetitive and duplicative testimony.

4.7. All testimony before the Board during quasi-judicial public meetings must be sworn. The President may administer the following oath en masse at the outset of the hearing to all prospective speakers, or individually to each speaker before they give testimony:

“Do you solemnly swear or affirm under the penalties of perjury that testimony given by you in these proceedings will be the whole truth and nothing but the truth? Is so, state ‘I do’.”

- 4.8. No formal rules of evidence apply. The Board may consider any relevant evidence that assists in reaching a decision. However, the President may exclude evidence which is irrelevant, immaterial, inappropriate, scandalous, or unduly duplicative.
- 4.9. The Commissioners may ask questions of any speaker at any time during the hearing. Any person may request to cross-examine another speaker at the end of the speaker’s testimony by making a request to the President prior to the speaker’s testimony. Cross-examination shall be limited to questions pertaining to the speaker’s testimony and must not be argumentative or repetitive.
- 4.10. Any exhibit presented at the public hearing must be assigned an exhibit number and marked and identified for the record. The exhibit or an accurate representation of the exhibit must be given to the Board for inclusion in the administrative record.
- 4.11. Once all testimony has been received, the public hearing is closed and the record shall remain open only for the length of time designated by the Board to receive additional public comment, if any. If the Board does allow the record to remain open to receive additional public comment, the applicant shall be awarded an additional five minutes of rebuttal time during the next public meeting before the Board votes on the issue.

Section 5: Workshops

- 5.1. The Board may hold workshops in addition to regular and special meetings for purposes of discussing public business without taking action. The Board shall neither vote nor take any other action, other than providing direction to Town staff, at a workshop.
- 5.2. A workshop shall be called upon the request of the Mayor or two Commissioners. Notice of a workshop shall be sent to the Mayor and Commissioners at least one week before the workshop.
- 5.3. A quorum is not required for a workshop.
- 5.4. All workshops shall be subject to the Maryland Open Meetings Act. The Board shall keep a true and accurate record of all proceedings at all workshop. All workshops shall be recorded and the recording shall be accepted as the official record. The Board need not prepare minutes for a workshop. A written agenda for all workshops shall be made available as required by Section 2 of these Rules of Procedure.

- 5.5. The order of business for a workshop need not follow the order of business for a regular or special meeting. After calling the workshop to order, the Board may move directly to the agenda items.
- 5.6. A Commissioner who would be disqualified from voting on an agenda item shall exit the meeting room and shall not participate in the discussion of that agenda item during a workshop.
- 5.7. The Board shall not accept public comment during a workshop.

Section 6: Closed Meetings

- 6.1. The Board may meet in closed session provided it complies with the requirements of Md. Code Ann. Gen. Prov. § 3-101 *et seq.* and this Section 6.
- 6.2. Before meeting in a closed session, the Board shall provide reasonable advance notice of the closed session in the same manner it provides notice of its open meetings.
- 6.3. The agenda for the meeting at which the closed session shall occur must reflect that the Board expects to close a portion of the meeting in accordance with Md. Code Ann. Gen. Prov. §3-305. If the meeting will be entirely closed, the agenda shall invite the public to a separate open session preceding the closed session. The agenda shall not disclose the subject matter of the closed session but shall include the statutory exception on which the Board plans to rely to close the meeting.
- 6.4. Before entering into a closed session, the Board must first meet in open session. The presiding officer shall make a written statement of the reasons for closing the meeting (the "Closing Statement"). The Closing Statement shall include a citation of the statutory exception provided in Md. Code Ann. Gen. Prov. § 3-305 permitting the Board to hold a closed session, the topics to be discussed, and the reason for closing the meeting. The Closing Statement may be prepared by staff in advance of the meeting. A sample Closing Statement is attached hereto as Exhibit A. A sample script for the presiding officer to introduce the Closing Statement and call for a vote is attached hereto as Exhibit B.
- 6.5. After reading the Closing Statement, the President shall call for a motion to adopt the Closing Statement and to close the meeting and conduct a vote. If the motion to enter closed session carries, all members of the public shall be excluded from the meeting and the Board will enter into closed session.

- 6.6. During the closed session, the Board shall limit its discussion to the topics identified in the Closing Statement. The Board's discussion of these topics shall not exceed the scope of the statutory exception cited in the Closing Statement.
- 6.7. After the closed session, the Board shall disclose the topics discussed, the individuals who attended, and any actions taken by the Board during the closed session in the minutes of the next open meeting. Unless a Commissioner or staff member who has received training on the requirements of the open meeting laws attends the closed session, the Board must also include the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General in the minutes of the next open session. A sample Closed Session Summary is attached hereto as Exhibit C.



Est. 1785

EXHIBIT A

SAMPLE CLOSING STATEMENT

On _____ at _____ p.m. at the Town Meeting Room, upon motion made to meet in Closed Session pursuant to Md. Code Ann., Gen. Prov. Art. § 3-305(b) by _____ and seconded by _____, the Town Meeting is closed for discussion of the following topics under the authority and for the reasons set forth below:

Topics to be discussed:

Applications for head of the public works department.

Statutory authority to close session:

Md. Code Ann. Gen. Prov. Art. § 3-305(b)(1), to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

Reason for closing session:

This matter is being discussed in closed session because public discussion of applicants' names and job information could discourage people from apply for Town jobs.

Voting in Favor:

Voting Against

Absent

This statement is made by: _____, Presiding Officer

EXHIBIT B

SAMPLE SCRIPT INTRODUCING CLOSING STATEMENT

We now turn to our final agenda item. The Mayor and Board of Commissioners intend to meet in closed session to discuss applications for the head of the public works department. This is the final agenda item, and the Board of Commissioners will not be meeting in another open session after the closed session has ended.

Pursuant to Maryland Code Annotated, General Provisions Article § 3-305(d), prior to closing a meeting, the Commissioners must conduct a recorded vote to close the meeting and make a written statement of the reason for closing the meeting, including a citation of the authority for closing the meeting under Maryland Code Annotated General Provisions Article § 3-305(b) and a listing of the topics to be discussed.

I will now read the proposed closing statement which has been prepared by staff.

The topic to be discussed during the closed meeting is applications for head of the public works department.

The authority for meeting in closed session for this purpose is Maryland Code Annotated General Provisions Article, § 3-305(b)(1), which authorizes the Board of Commissioners to meet in closed session to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

The reason for closing the session is that public discussion of applicants' names and job information could discourage people from apply for Town jobs.

Do I hear a motion to adopt the closing statement as read and to enter into a closed meeting?



Est. 1785

EXHIBIT C
SAMPLE CLOSED-MEETING SUMMARY
TO BE INCLUDED IN THE MINUTES IN THE NEXT OPEN MEETING

Time, Place and Purpose of Closed Meeting

Time of closed meeting: 8:15 p.m.

Place of closed meeting: Town Meeting Room

Purpose of closed meeting: To discuss applications for the head of the public works department.

Record of Vote to Close the Meeting:

The following commissioners voted in favor of closing the meeting: _____

The following commissioners voted against closing the meeting: _____

The following commissioners abstained from the vote to close the meeting: _____

Statutory authority to close the meeting:

Md. Code Ann. Gen. Prov. Art. § 3-305(b)(1), to "discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance valuation of appointees, employees, or official over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals."

Topics of Discussion:

The following topics were discussed during the closed session:

The commissioners discussed the applications of three candidates for appointment to the position of head of the public works department.

Persons Present for Discussion:

The following persons were present for the discussion: _____

Action Taken/Recorded Votes

The Board of Commissioners voted appoint _____ to the position of head of the public works department.

Voting in Favor:

Voting Against:

Absent:

The closed session adjourned at 8:45 p.m.

This summary is made by: _____, Presiding Officer



Est. 1785

AGENDA ITEM #2: For consideration, setting priorities for the Town.

Discussion at the Town meeting.



I. SET AGENDA FOR NEXT MEETING: MARCH 4, 2024

- 1.
- 2.
- 3.
- 4.
- 5.

Administrative Business:

- A.
- B.
- C.

