

THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN

RESOLUTION NO: 15-20

A RESOLUTION concerning

**Rules of Procedure of the Board of Aldermen**

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**WHEREAS**, Article II, §11 of the Charter of the City of Frederick authorizes the Board of Aldermen to establish rules of procedure to govern the transaction of its business; and

**WHEREAS**, on February 20, 2014 the Board of Aldermen adopted Resolution No. 14-03, adopting Rules of Procedure governing the transaction of its business; and

**WHEREAS**, recent revisions to the Maryland Annotated Code necessitate amendments to certain portions of the Rules of Procedure; and

**WHEREAS**, the Board of Aldermen wishes to amend the Rules of Procedure to provide for remote participation in work sessions.

**NOW THEREFORE BE IT RESOLVED** that the Board of Aldermen hereby adopt the Rules of Procedure attached hereto and incorporated herein as Exhibit A.

**BE IT FURTHER RESOLVED** that Resolution No. 14-03 is hereby repealed and is of no further force or effect.

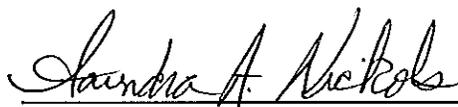
**ADOPTED AND APPROVED THIS 1<sup>st</sup> DAY OF OCTOBER, 2015**

**WITNESS**

  
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Randy McClement, Mayor

Approved for legal sufficiency:

  
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City Attorney

**RESOLUTION NO. 15-20**

**EXHIBIT A**

**RULES OF PROCEDURE  
OF THE BOARD OF ALDERMEN**

**Section 1 Officers and Members**

1.1 The Mayor is the President of the Board of Aldermen. The Mayor may vote on a matter only if the Board of Aldermen is equally divided; otherwise, the Mayor may not vote.

1.2 The Board of Aldermen shall elect from its membership a President Pro Tempore to preside at its meetings in the absence of the Mayor. In the absence of the Mayor and the President Pro Tempore, the Alderman present who received the highest number of votes in the general election shall preside at the meetings. An Alderman presiding at a meeting of the Board of Aldermen retains the right to vote at that meeting.

**Section 2 General Powers**

2.1 The Board of Aldermen may pass any ordinance not contrary to the Constitution and laws of Maryland or the City Charter, as it may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger, or destruction; and for the protection of the health, safety, and welfare of the residents of the City.

2.2 A quorum of the Board of Aldermen is three Aldermen. No action may be taken in the absence of a quorum. Except as otherwise provided by law, every ordinance, resolution, and official action must be approved by a majority of the Aldermen present and voting.

2.3 The Mayor may veto ordinances, resolutions, and official actions passed by the Board of Aldermen as provided in the City Charter.

2.4 An ordinance may be passed by the Board of Aldermen at the meeting at which it is introduced. Every ordinance passed by the Board of Aldermen will be delivered promptly by the Legislative Clerk to the Mayor. The Mayor shall either approve and sign an ordinance or veto it. The Mayor shall return an ordinance, indicating approval or veto, to the Legislative Clerk within two weeks after delivery. If the Mayor vetoes an ordinance, the Mayor shall attach a written statement of the reasons for the veto.

2.5 The Legislative Clerk shall deliver promptly to the Board of Aldermen an ordinance vetoed by the Mayor (including the written statement of the reasons for the veto.) An ordinance vetoed by the Mayor will not become a law unless it is passed by favorable vote of four Aldermen within 30 days after the date it is returned to the Board of Aldermen by the Legislative Clerk.

2.6 Except as otherwise required by law, the Board of Aldermen may take action by approving a resolution. The Mayor may veto a resolution at the meeting at which it is approved by the Board of Aldermen. A resolution will become effective immediately unless vetoed by the Mayor at that meeting.

2.7 An action approved by the Board of Aldermen and not otherwise addressed in the Charter is called an "official action". The Mayor may veto an official action at the meeting at which it is approved by the Board of Aldermen. An official action will become effective immediately unless vetoed by the Mayor at that meeting.

2.8 With the advice and consent of the Board of Aldermen, the Mayor may create and appoint whatever committees or advisory groups deemed necessary to advise in the administration of the City's affairs. The Mayor, in his discretion, may appoint liaison representatives to committees or community organizations, and may create advisory ad hoc committees to address changing community needs.

### **Section 3 Meetings**

#### **3.1 General.**

3.1.1 All Regular and Special Meetings will be open to the public in accordance with the Open Meetings Act (Annotated Code of Maryland, General Provisions Article, §§ 3-101 – 3-501).

3.1.2 The Board of Aldermen shall keep minutes of its proceedings, including any action taken. The minutes of any open meeting are available for public inspection in the office of the Legislative Clerk during regular business hours.

3.1.3 The order of business before the Board of Aldermen shall be in accordance with the agenda prepared by the Mayor and shall be delivered to the Board of Aldermen at least forty-eight (48) hours preceding the meeting to which it pertains.

3.1.4 Each Alderman has an equal right to speak at all meetings of the Board of Aldermen. Each speaker must be recognized by the Mayor prior to speaking.

3.1.5 During all meetings of the Board of Aldermen, the Board shall honor and adhere to the Code of Civility which is attached hereto as Attachment 1.

3.1.6 Only one subject shall be before the Board of Aldermen at one time. Each item to be voted upon is proposed as a motion which requires a second before being put to a vote. Motions shall be clear and concise and shall embody the intent of the maker. Once a motion is made and seconded, the chair places the question before the Board of Aldermen by restating the motion.

3.1.7 It shall be the duty of each member to attend all meetings. The Board of Aldermen may compel the attendance of absent members in a manner and under penalties as provided by ordinance.

3.1.8 The Board of Aldermen may expel a member from a meeting for disorderly conduct or violation of its rules, by a unanimous vote of the other members present.

3.1.9 An Alderman may request a subject matter be brought before the Board of Aldermen at a future work session as new business. Matters raised as new business will be scheduled for a future work session upon a favorable vote by a majority of the members of the Board of Aldermen voting and present.

3.1.10 Members of the public are invited to listen and observe all open meetings. Except in instances when the Mayor and Board of Aldermen expressly invite public testimony, questions, comments, or other forms of public participation, no member of the public attending an open session may participate in the session.

### 3.2 Regular Meetings.

3.2.1 The Board of Aldermen shall meet in regular session on the first and third Thursdays of each month. Should a regularly scheduled meeting coincide with a legal holiday, or for other proper reason, the Board of Aldermen may reset the regular meeting to some other date or cancel the meeting. All Regular Meetings shall convene in the Board Room on the first floor in City Hall at 7:00 p.m.

3.2.2 Remote participation by the Mayor and members of the Board of Aldermen is not permitted during a Regular Meeting.

3.2.3 All meetings of the Board of Aldermen shall to the greatest extent practicable, conclude no later than 11:00 p.m.

3.2.4 Matters on the agenda not addressed that evening shall be automatically continued until the next Regular Meeting of the Board of Aldermen unless a majority of the Board of Aldermen set the matter to be heard on a date specific.

3.2.5 The business of all Regular Meetings of the Board of Aldermen shall be transacted in the following order:

- (1) Call to Order
- (2) Pledge of Allegiance
- (3) Invocation
- (4) Presentations / Proclamations
- (5) Minutes
- (6) Report of Closed Meetings
- (7) Mayor's Comments
- (8) Aldermanic Business / Comments
- (9) Citizen comments—5 minutes per person/10 minutes per group
- (10) Consent Agenda
- (11) Public Hearing
- (12) Appointments
- (13) Aldermanic Business / Comments

- (14) Mayor's Comments
- (15) Committee Reports
- (16) Director Reports
- (17) Citizen Comments – 5 minutes per person / 10 minutes per group

3.2.6 The Consent Agenda may:

- (a) Include items of a routine and non-controversial nature.
- (b) Be accepted by the consent of the Board of Aldermen by a single vote without reading each item, unless a member of the Board of Aldermen should request the item be removed for further discussion. Any item pulled for discussion will be considered by the Board of Aldermen at the conclusion of the Consent Agenda.
- (c) Include contracts for operating capital purchase items as long as the operating capital purchase item has been previously approved in the budget. The contract must reflect the quantity and type of item that was approved in the budget, and may not exceed the dollar value approved in the budget.

3.3 Special Meetings. Special Meetings may be called as necessary by the Mayor or by a majority of the Board of Aldermen. Remote participation by the Mayor and members of the Board of Aldermen is not permitted during a Special Meeting.

3.4 Work Sessions.

3.4.1 The Mayor and Board of Aldermen may meet informally in work sessions which are open to the public. An elected official may participate in a work session remotely. The elected official must be able to hear and be heard by other elected officials and the public at the work session location. Remote participation by each elected official will be limited to two work sessions in a calendar year. No more than one elected official may participate remotely during the same work session. Voting on Workshop minutes is permitted during a work session by the elected official who is participating remotely.

3.4.2 The Mayor and Board of Aldermen may consider Consent Agenda items for approval at work sessions on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month. This portion of the work session is referred to as a Business Meeting. Consent Agenda items considered for approval at a Business Meeting may be moved to a Regular Meeting Agenda at the request of any member of the Board of Aldermen. Consent Agenda items will not serve as the basis for calling a work session of the Mayor and Board of Aldermen in the event there is no other business for consideration. Remote participation by the Mayor and members of the Board of Aldermen is not permitted at a Business Meeting.

### 3.5 Closed Meetings.

3.5.1 Closed Meetings may be held in accordance with the Open Meeting Act (Annotated Code of Maryland, General Provisions Article, §§-3-101 – 3-501).

3.5.2 A majority of the Aldermen present must vote in favor of closing the meeting prior to meeting in a closed session. The vote will be recorded and a written statement shall be provided outlining the reason for closing the meeting, including a citation of the authority under the Annotated Code of Maryland. Such statement shall be entered into the minutes.

3.5.3 Remote participation by the Mayor and members of the Board of Aldermen is not permitted during a Closed Meeting.

3.5.4 The City Attorney shall be consulted prior to each Closed Meeting regarding the legal sufficiency of closing the meeting. During a Closed Meeting, the Board of Aldermen may only discuss the topic(s) outlined in the statement closing the meeting.

3.5.5 In accordance with Maryland law, topics that may be discussed include but are not limited to:

- (a) Personnel matters;
- (b) Protection of the privacy or reputation of individuals in matters not related to public business;
- (c) Consider the acquisition of real property for a public purpose;
- (d) Proposal for a business or industrial organization to locate, expand or remain in the City;
- (e) Investment of public funds and the marketing of public securities;
- (f) Consultation with legal counsel to obtain legal advice;
- (g) Pending or potential litigation;
- (h) Collective bargaining negotiations;
- (i) Public security, including the development and implementation of emergency plans;
- (j) Qualifying examinations;
- (k) Investigative proceedings concerning criminal misconduct;
- (l) Compliance with specific constitutional, statutory or judicially imposed requirements that prevents public disclosure about particular matters;
- (m) Discuss matters directly related to a negotiating strategy or contents of a bid or proposal, if public discussion would adversely affect the competitive bidding or proposal process.

3.5.6 No ordinance, resolution, or regulation shall be adopted at a Closed Meeting.

### Section 4 Motions

4.1 Business is brought before the Board of Aldermen by motions, a formal procedure for taking action. To make a motion, an Alderman must first be recognized by the chair. After a motion is made (and after the motion is seconded if required), the chair must then restate the motion or rule it out of

order, and then call for discussion. Most motions require a second.

4.2 Exact wording of motions and amendments is important for clarity and recording in the minutes.

4.3 There are four general types of motions used by the Board of Aldermen: main, subsidiary, incidental and renewal.

4.3.1 Main motions bring an item before the Board of Aldermen for action. Main motions cannot be made when any other motion is before the Board. A Main motion requires a second, is debatable, may be amended, and generally requires a majority vote.

4.3.2 Subsidiary motions direct or change how a Main motion is handled. These motions include tabling, call the question/close debate, limit/extend debate, continue to a definite time and amendment.

A. Tabling. This motion is used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "table", a majority has the power to halt consideration of the question immediately without debate. The motion to "table" requires a second, is debatable, is not amendable, and requires a majority vote.

B. Call the Question/Close Debate. This motion is used to bring the group to an immediate vote. It closes debate and stops further amendment. The formal motion is to "call for the question" or "I move to close debate." This motion requires a second, is not debatable, is not amendable, and requires a two-thirds vote.

C. Limit/Extend Debate. This motion is used when the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation. This motion requires a second, is not debatable, may be amended, and requires a two-thirds vote.

D. Continue to a Definite Time. This motion directs that the matter will be taken up again at some specific date and time. This motion requires a second, is debatable, may be amended, and requires a majority vote.

E. Amendment. This motion is used to clarify a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment changes to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. This motion requires a second, is debatable, may be amended and requires a majority vote.

4.3.3 Incidental motions. Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include point of order, parliamentary question, point of information and suspension of the rules.

A. Point of Order. This is used to bring to the group's attention that the Rules are being violated. An Alderman does not need to be recognized prior to making a point of order. This is not a motion, but requires the chair to make a ruling as to whether or not immediate consideration is proper. This action does not require a second, is not debatable, may not be amended, and does not require a vote.

B. Parliamentary Question. This is not a motion, but a question to obtain information regarding parliamentary procedure and its effect on the business at hand.

C. Point of Information. This is not a motion, but a question to obtain information relevant to the business at hand but not related to parliamentary procedure.

D. Suspension of the Rules. This motion is used when matters are to be taken out of order, or a particular task can be better handled without formal rules in place. The motion requires a second, is not debatable, is not amendable, and requires a two-thirds vote.

4.3.4 Renewal Motions. Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. The motions include reconsider, take from the table and rescind.

A. Reconsider. A majority of the Board may approve a motion to reconsider an action already defeated at the same meeting. The motion shall be made only by an Alderman who voted on the prevailing side earlier on the question. The motion to reconsider requires a second, is debatable and may not be amended. A motion to reconsider may be brought up at a subsequent meeting; however, if the chair believes that there is no indication that the group's wishes have changed, the motion can be ruled out of order.

B. Take from the Table. Unless the original motion to table directed that the motion be brought back at a specific date and time, a majority of the group must pass a motion to take from the table. This motion requires a second, is not debatable and may not be amended.

C. Rescind. When the group wishes to annul some action, a motion to rescind is in order at any time. If prior notice has been given to the group that this action will be considered, the motion to rescind can pass with a simple majority vote; however, if no prior notice has been given, the vote requires a two-thirds majority. This motion requires a second, is debatable and may be amended.

4.3.5 Questions of privilege are in order at any time and must be disposed of prior to resuming discussion on the matter at hand. Questions of privilege include: adjourn, recess, and call for the orders of the day.

A. Adjourn. This motion is used to bring the meeting to a halt. This motion requires a second, is not debatable, is not amendable, and requires a majority vote. Alternatively, instead of a motion, the chair can ask if there is any further business. If no response, the chair can say, "since there is no further business, the meeting is adjourned."

B. Recess. This motion is used to take a temporary break in the meeting and should include a time at which the meeting will resume. This motion requires a second, is not debatable, may be amended, and requires a majority vote.

C. Call for the Order of the Day. This motion is used to demand that the group return to the agenda. This motion can be raised when another person is speaking. This motion does not require a second, is not debatable, is not amendable, and does not require a vote.

#### **Section 5 Suspension and Amendment of Rules of Procedure:**

5.1 Any provision of these Rules not governed by the City Charter or the City Code may be temporarily suspended by a vote of two-thirds of the Aldermen present. The vote of any such suspension shall be taken and entered into the record.

5.2 These rules may be amended, or new rules adopted, by a majority vote of all members of the Board of Aldermen, provided that the proposed amendment or new rules shall have been introduced into the record at a prior Board of Aldermen Regular meeting, Special meeting or work session.

## **ATTACHMENT 1**

### **CODE OF CIVILITY**

**Purpose:** To promote civil discourse in the conduct of City meetings and other City business, this Code of Civility is intended to encourage all citizens – led by elected and appointed City officials – to abide by the following:

**(1) Be respectful.**

- (A)** Speak and act politely, calmly, and reasonably. Do not resort to personal attacks, name calling, or harassment.
- (B)** Through words and actions, demonstrate respect for the diverse views of all citizens in our increasingly multicultural society.
- (C)** When advocating for a position, ensure that criticism of opposing viewpoints is expressed as criticism of a position, not an individual.
- (D)** Be a positive role model for public discourse. Practice courtesy and consideration.
- (E)** Engage in respectful, non-judgmental listening.

**(2) Be responsible.**

- (A)** Demonstrate fairness by ensuring that all who are speaking have an opportunity to present their respective positions.
- (B)** Exercise your rights and responsibilities as a citizen. Encourage others to become informed and involved.
- (C)** While working toward the majority, respect the rights of the minority.
- (D)** Clearly distinguish opinions from facts. Ensure all statements of fact are accurate and verifiable.
- (E)** Recognize the importance of achieving consensus as an important tool in community-building.