

THE TOWN OF FOREST HEIGHTS
RESOLUTION 02-13

**A RESOLUTION FOR THE ADOPTION OF REVISED RULES OF ORDER
AND REGULATIONS FOR PUBLIC MEETINGS**

Introduced by: Mayor J. Goodall

WHEREAS, Section 33-10 of the Charter of the Town of Forest Heights grants the Town Council the authority determine its own rules and order of business; and

WHEREAS, the efficient functioning of the Council, requires a comprehensive set of rules for the conduct of its business; and

WHEREAS, it is necessary to respect the rights of all members of the Council to ensure that they can fairly participate in the work of the Council and properly represent their constituencies in the development of Town resolutions, ordinances, programs and policies; and

WHEREAS, the promotion of democratic institutions of elected government requires that the governing body acts, and be perceived by the citizens to act, in a deliberative, non-arbitrary manner; and

WHEREAS, Robert Rules of Order provides a comprehensive set of rules that have been adopted by many organizations as their rules of order; and

WHEREAS, Section 33-9 of the Charter states that a majority of the members of the Council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be approved without the favorable votes of four members of the Council; and

WHEREAS, Section 10-507 of the State Government Article of the Annotated Code of Maryland states that whenever a public body meets in open session, the general public is entitled to attend and that a public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings, and said Section further states that if the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed, and unless the public body or its members or agents acted maliciously, the public body, members, and agents are not liable for having an individual removed under said Section; and

WHEREAS, the Council finds that its rules for the conduct of meetings and rules regarding observation of or participation in said meetings should be amended and adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby approves, adopts and authorizes the following rules of order for the conduct of meetings and regulations for public meetings:

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Section 1. Basic Rules of Order – The Town Council hereby adopts and incorporates herein the latest edition Robert’s Rules of Order Newly Revised, herein called Robert’s Rules, as its basic rules for the conduct of business with the exceptions and other changes noted in the following sections of this Resolution.

Section 2. Exceptions to the Basic Rules – In case of any conflict between Robert’s Rules specified in Section 1, and the Town Charter or between Robert’s Rules and the Constitution or laws of the State of Maryland, the Charter, Town Ordinances, and Maryland laws will take precedence over Robert’s Rules. In particular, where Robert’s Rules may require a simple majority of those present to enact a resolution, the Town Charter requirement of a minimum of four (4) affirmative votes to pass a Charter amendment resolution or any other resolution expressly prescribed by charter shall prevail. This Resolution shall be read together with particularly Article 21 of the Ordinance Code and any other applicable provisions of the Charter or Ordinance Code. Any conflict between this Resolution and any ordinance or Charter provision shall be interpreted in favor of any applicable ordinance and ultimately the Charter, or State law.

Section 3. Procedures –

A. The presiding officer at any meeting of the Council shall be responsible for interpreting and implementing the rules of order, and shall rule on any point of order raised by a member of the body. The presiding officer may request advice from other members of the Council or an appointed parliamentarian before making a ruling. However, any member may, on a point of order, call for a vote on the ruling and specifying an alternative ruling, the presiding officer shall defer to the opinion of the majority of members for that session of the Council. Otherwise the presiding officer’s ruling shall stand.

B. The presiding officer may impose reasonable limits to the time allotted for each member during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer must ask for a vote to extend additional time, and if a majority of members agree to additional time, the time shall be granted.

Section 4. Changes to the Rules of Order and Regulations –

At any time additional exceptions to Robert’s Rules or the regulations found herein may be incorporated into the Town Council’s rules and order of business or regulations by formally amending this Resolution. However, such amendments must also be consistent with the Town Charter, ordinances and laws of the State of Maryland. Amendments to any motion may be made according to the basic Robert’s Rules of Order. Furthermore, the Town Council, by resolution, may introduce and adopt a new set of rules of order and regulations to replace this Resolution. The following exceptions to Robert’s Rules are hereby made and incorporated into these rules of order:

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(1). Although the Mayor is (i) designated by Charter as the chair of the Council, (ii) may take part in all discussions and (iii) shall have a vote on any question before the Council, he or she should avoid substantial or intense participation in debate whereby it becomes difficult for the Mayor to maintain control or the appearance of impartiality on a particular motion or issue before the body unless he or she temporarily leaves the chair and turns over the gavel to the Council President or another member of the council.

(2). In the event the Mayor appears to relinquish his or her neutrality or impartiality by engaging in debate as stated in Item 1 above, a majority of members of Council present and voting may approve a motion thereby temporarily replacing the Mayor as chair with the Council President or another designated member of Council until the question is put to a vote and resolved. Should the Mayor wish to continue to engage in substantial debate concerning a subsequent agenda item without relinquishing the chair, the Council may further approve a motion thereby temporarily replacing the Mayor as chair for the duration of the specific meeting. The chair may voluntarily relinquish the chair at any time.

Section 5. Adoption of Resolutions and Ordinances – Any member of the Town Council may introduce a motion on any subject during the business portion of a meeting of the Town Council at a time when no other motion is being considered, and if seconded, the Council's presiding officer must guide the Council's work on that motion until it is disposed of either on a favorable or unfavorable vote of the Council, or the Council votes to table or postpone action on the motion to a future date.

Section 6. Form of Resolutions and Ordinances –

A. All formal, substantive resolutions, as defined by Section 33-90 of the Charter that require an affirmative vote of four (4) members of the council, and all ordinances shall be in writing, with a copy provided to each member of the Council and the Town Clerk.

B. In urgent situations, formal, substantive resolutions may be handwritten, and then typed by the next business day. Furthermore, if amendments are made on the floor to the original ordinance or formal resolution, these changes must be written in by the Town Clerk in his or her copy of the document, and time should be allotted for each member of the Council to note the changes in their copies.

C. If a formal Resolution, Ordinance or motion is passed by the Council, the Town Clerk shall record the yeas and nays. Finally, the Town Clerk shall put his or her copy of an ordinance or formal resolution before the Mayor and the Council President for their signatures, and initials on any hand written amendments, and the signatures of the Mayor and President are required for any formal Resolution or Ordinance to be considered passed and enacted by the Town Council. Resolutions shall be incorporated into the Journal of the Forest Heights Town Council (per Section 33-10 of the Town Charter). In the case of extensive or complicated amendments, the

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Council may vote to provide the Town Clerk time to retype the resolution or ordinance and have it ready for Council signature by close of business the following day.

D. The Town Clerk is authorized to correct typographical errors and insert resolution or ordinance numbers, passage dates and other information needed to maintain consistency with the Town's system of records, but no changes shall be made altering the substance of the ordinances or resolutions.

Section 7. Public Attendance –

A. At any open session of the Mayor and Council, the general public is invited to attend and observe.

B. Except in instances when the Mayor and Council expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.

Section 8. Disruptive Conduct –

A. A person attending an open session of the Mayor and Council may not engage in any conduct, including but not limited to verbal or visual demonstrations such as the gestures, heckling, outbursts, talking, or waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

B.(1) The presiding officer may order any person who persists in conduct prohibited by subsection (a) of this Section or who violates any other regulation concerning the conduct of the open session to be removed from the session and may request police assistance to restore order.

(2) The presiding officer may recess the session while order is restored.

C. If the presiding officer determines that the behavior of an individual is disrupting an open session, the Mayor and Council may have the individual removed, and unless the Mayor and Council or its members or agents acted maliciously, the Mayor and Council, its members, and agents are not liable for having an individual removed pursuant to Section 10-507 of the State Government Article of the Annotated Code of Maryland.

D. This Section also applies to any person who is located within the Municipal Building or the surrounding premises during an open or closed session of the Mayor and Council. Furthermore, any person creating a disturbance within the Municipal Building or the surrounding premises at any time may be asked to leave the premises and may be escorted off the premises by a police officer or any other official or employee of the Town. Should any person creating a disturbance refuse to leave the premises, he or she may be immediately arrested by a police officer for disorderly conduct, trespass or any other appropriate criminal charge.

Section 9. Recording, Photographing, and Broadcasting of Open or Closed Session –

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A. A member of the public, including any representative of the news media, may record discussions of the Mayor and Council at an open session by means of a tape recorder or any other recording device if the device's use is disclosed or readily apparent to the Mayor and Council, does not create an excessive noise or is not used repeatedly such that it disturbs members of the Council or other persons attending the session.

B. A member of the public, including any representative of the news media, may photograph or videotape the proceedings of the Mayor and Council at an open session by means of any type of camera if the camera:

(1) Is operated without excessively bright artificial light that disturbs members of the Mayor and Council or other persons attending the session;

(2) Does not create an excessive noise that disturbs members of the Mayor and Council or other persons attending the session; and

(3) Is operated or used so that those present can be made aware that such equipment is being used.

C. A representative of the news media or the Town itself may broadcast or televise the proceedings of the Mayor and Council at an open session if the equipment used:

(1) Is operated without excessively bright artificial light that disturbs members of Mayor and Council or other persons attending the session; and

(2) Does not create an excessive noise that disturbs members of the Mayor and Council or other persons attending the session.

D. The presiding officer may restrict the movement of a person who is using a recording device, camera, or broadcasting or television equipment if such restriction is necessary to maintain the orderly conduct of the session.

E. No member of the public, including any representative of the news media, without the consent and approval of the Council may openly or surreptitiously record a closed session. No employee or official of the Town may openly or surreptitiously record any public session (open or closed) unless such recording is permitted by these regulations or is otherwise properly authorized to so. Any member of the public, including any representative of the news media, who violates this subsection by surreptitiously audio recording a closed session, may be criminally charged for violating the State's Wiretapping law.

Section 10. Recording Not Part of Record –

A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the Mayor and

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Council unless the Mayor and Council expressly adopts and approves said recording as being part of the record.

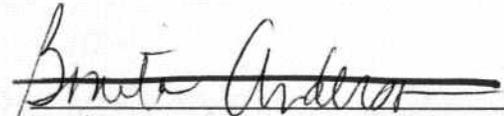
AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

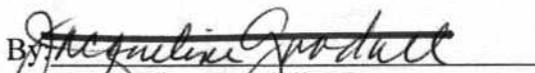
PASSED this 7th Day of January 2013.

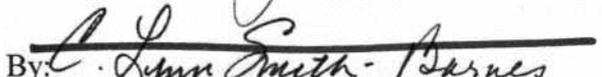
<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
GOODALL	<u>YEA</u>
KENNEDY II	<u>YEA</u>
STONER	<u>NAY</u>
BARNES	<u>YEA</u>
CLARKE	<u>YEA</u>
SMITH-BARNES	<u>YEA</u>
REIFSNEIDER	<u>YEA</u>

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

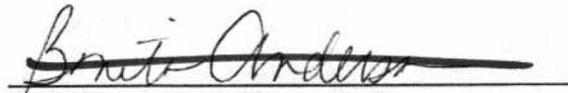

Bonita C. Anderson, Town Clerk

By: 
Jacqueline Goodall, Mayor

By: 
C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7th day of January 2013 with 6 Aye votes and 1 Nay votes the aforesaid Resolution 02-13 passed.


Bonita Anderson, Town Clerk