

**AN ORDINANCE ADOPTING PROVISIONS RELATED TO THE APPOINTMENT,  
FUNCTION, REMOVAL AND TERM LIMITS OF CERTAIN  
BOARDS, COMMITTEES, COUNCILS, AND COMMISSIONS**

**WHEREAS**, the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) is authorized and empowered to and has established or makes appointments to the following boards, committees, councils, and commissions:

1. Adult Guardianship Review Board by Md. Ann. Code, Family Law Art., §14-402;
2. Agricultural Preservation Advisory Board by Md. Ann. Code, Agriculture Art., §2-504.1;
3. Agricultural Preservation Advisory Committee by Code of Public Local Laws of Calvert County, Maryland, §12-101;
4. Agricultural Reconciliation Committee by Code of Public Local Laws of Calvert County, Maryland, §12-301;
5. Agricultural Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201;
6. Board of Appeals by Md. Ann. Code, Land Use Art., §4-301;
7. Board of Library Trustees by Md. Ann. Code, Education Art., §23-403;
8. Board of Parks & Recreation by Code of Public Local Laws of Calvert County, Maryland, §2-201;
9. Building Board of Calvert County by Md. Ann. Code, Local Gov't Art., §13-901 and Code of Public Local Laws of Calvert County, Maryland, §2-201;
10. Calvert County Ethics Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201;
11. Calvert County Family Network Board of Directors by Md. Ann. Code, Human Services Art., §8-301 and Governor’s Executive Order 01.01.2005.34;
12. Calvert Employee Recognition Committee by Code of Public Local Laws of Calvert County, Maryland, §2-201;
13. Calvert Marine Museum Board of Governors by Code of Public Local Laws of Calvert County, Maryland, §2-201;
14. Commission on Aging by Code of Public Local Laws of Calvert County, Maryland, §2-201;
15. Commission for Women by Code of Public Local Laws of Calvert County, Maryland, §2-201;
16. Compensation Review Board by Code of Public Local Laws of Calvert County, Maryland, §9-401;
17. Core Service Agency Advisory Board by Md. Ann. Code, Health-General Art., §10-1202;
18. Cove Point Light Station Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201;
19. Critical Area Reforestation Committee by Code of Public Local Laws of Calvert County, Maryland, §2-201;
20. Economic Development Authority by Code of Public Local Laws of Calvert County, Maryland, §2-201;

21. Economic Development Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201;
22. Emergency Medical Services Advisory Committee by Code of Public Local Laws of Calvert County, Maryland, §2-201;
23. Employees Retirement Plan Board of Trustees by Code of Public Local Laws of Calvert County, Maryland, §2-201;
24. Employee Retirement Savings Plan Board of Trustees by Code of Public Local Laws of Calvert County, Maryland, §2-201;
25. Environmental Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201;
26. Fire and Rescue Commission by Code of Public Local Laws of Calvert County, Maryland, §9-301;
27. Gambling Permit Review Committee by Md. Ann. Code, Criminal Law Art., §13-704;
28. Heritage Committee by Code of Public Local Laws of Calvert County, Maryland, §2-201;
29. Historic District Commission by Md. Ann. Code, Land Use Art., §8-201;
30. Housing Authority of Calvert County by Md. Ann. Code, Community Development Art., Title 12;
31. Local Alcohol & Drug Abuse Council by Md. Ann. Code, Health-General Art., §8-1001;
32. Other Post-Employment Benefits Trust Fund Board of Trustees by Code of Public Local Laws of Calvert County, Maryland, §2-201;
33. Planning Commission by Md. Ann. Code, Land Use Art., §2-102;
34. Sheriff Department Pension Plan Board of Trustees by Code of Public Local Laws of Calvert County, Maryland, §2-201;
35. Social Services Advisory Board by Md. Ann. Code, Human Services Art., §3-501;
36. Soil Conservation District Board of Directors by Md. Ann. Code, Agriculture Art., §8-302;
37. Tourism Advisory Commission by Code of Public Local Laws of Calvert County, Maryland, §2-201; and
38. Tri-County Animal Shelter Advisory Board by Code of Public Local Laws of Calvert County, Maryland, §2-201; and
39. Waterman's Wharf Oversight Committee by Code of Public Local Laws of Calvert County, Maryland, §2-201.

**WHEREAS**, the Board of County Commissioners adopted a statement of goals for this current term that includes term limits for boards, commissions, councils and committees it appoints where such term limits would not, in the opinion of the Board of County Commissioners, be detrimental to the mission or on-going function of the board, commission, council or committee;

**WHEREAS**, the Office of County Attorney has recommended amendments to the Calvert County Code more specifically set forth below to address certain term limits and administrative and policy matters pertaining to volunteer boards and committees appointed by the Board of County Commissioners;



**WHEREAS**, a public hearing regarding the adoption of Chapter 11 of the Code was duly advertised for two consecutive weeks before the public hearing held on October 18, 2016 at which time the Board of County Commissioners received public comment; and

**WHEREAS**, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland to adopt the provisions set forth herein as a new Chapter 11 of the Calvert County Code.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of County Commissioners of Calvert County, Maryland hereby approves and enacts the following as Chapter 11 of the Calvert County Code:

**§ 11-1. Purpose & Applicability.**

- (a) The purpose of this Chapter 11 is to establish provisions generally applicable for the uniform operation of appointed boards, committees, councils, and commissions, except where deviations and variance are warranted as set forth herein.
- (b) The provisions hereof shall be applicable to boards, committees, councils, and commissions established pursuant to the general or local laws of the State of Maryland, but subject to the provisions of such general or special laws and only to the extent that the provisions hereof are consistent with the authority granted to the Board of County Commissioners by such general or local laws. In the event that any provision herein conflicts with a provision of a statute, the statutory provision shall govern.
- (c) The provisions of this Chapter 11 shall not apply to task forces and *ad hoc* groups or committees appointed by the Board of County Commissioners.

**§ 11-2. Generally.**

- (a) Ordinances and resolutions establishing boards, committees, councils, and commissions shall establish, at a minimum, the membership, length of terms, and purposes of the body.
- (b) Every board, committee, council or commission that shall propose to adopt, amend, modify, update or otherwise change bylaws shall first receive approval of the Board of County Commissioners.
- (c) Boards, committees, councils and commissions shall report to the Board of County Commissioners on at least an annual basis.
- (d) The appointment of members shall take into consideration a balanced representation of all segments of the Calvert County community.
- (e) It is the County Commissioner's intent to appoint Calvert County residents to boards, committees, councils, and commissions unless there are no County residents available to fill positions or where an exception is approved for good cause shown in the instance of a specific board, committee, council or commission.
- (f) Every board, committee, council, and commission must adhere to the provisions of the Calvert County Ethics Ordinance then in effect and the Open Meetings Act, as amended from time to time.

**§ 11-3. Appointments and Removal.**

- (a) To the extent practicable, term expirations will be publicized in advance, indicating whether the member whose term is expiring is eligible for reappointment.
- (b) Notwithstanding any provision to the contrary, the Board of County Commissioners may appoint members without advertising the availability of a position, except where advertising is required by law.
- (c) Appointments shall be made in public session by a majority vote of the Board of County Commissioners.
- (d) Members of boards, committees, councils, and commissions are expected to attend and participate at all meetings of the board, committee, council, and commission to which they are appointed.
- (e) Members of boards, committees, councils, and commissions shall respond to all referrals and requests for information or input from the Board of County Commissioners in a timely manner such that the work of the board, committee, council, or commission upon the referral or request is completed not less than One Hundred Eighty 180 days following referral, unless an extension is granted by Board of County Commissioners. Failure of any member to promptly respond or complete his or her work so referred or requested shall be grounds for removal as provided below.
- (f) Any appointee may be removed by the Board of County Commissioners as provided for in State general or public local law, or, when no applicable provisions are found at State general or public local law, for any of the following when the Board of County Commissioners finds it would be in the best interest of the board, committee, council or commission:
  - i. Missing three (3) consecutive meetings;
  - ii. Failure to support the purposes and activities of the board, committee, council, or commission;
  - iii. Failure to complete duties, assignments, or requirements in a timely manner; or
  - iv. Acts unprofessional, unethical, or displays disruptive behavior or communication that does not positively reflect upon, and support the purposes and goals of, the board, committee, council, or commission.

**§ 11-4. Term Limits.**

- (a) The provisions of this Section 11-4 do not apply to members who are members because the position they hold has been designated as a member of a board, committee, council or commission and, further, do not apply to:
  - i. Agricultural Preservation Advisory Board;
  - ii. Board of Appeals;
  - iii. Board of Elections;
  - iv. Board of Library Trustees;
  - v. Building Board;
  - vi. Calvert Employee Recognition Committee;



- vii. Calvert Marine Museum Board of Governors;
  - viii. Commission for Women;
  - ix. Compensation Review Board;
  - x. Core Service Agency Advisory Board;
  - xi. Cove Point Light Station Commission;
  - xii. Critical Area Reforestation Committee;
  - xiii. Emergency Medical Services Advisory Committee;
  - xiv. Employees Retirement Plan Board of Trustees;
  - xv. Employee Retirement Savings Plan Board of Trustees;
  - xvi. Housing Authority of Calvert County;
  - xvii. Jefferson Patterson Park & Museum Committee;
  - xviii. Local Alcohol & Drug Abuse Council;
  - xix. Other Post-Employment Benefits Trust Fund Board of Trustees;
  - xx. Property Tax Assessment Appeals Board;
  - xxi. Sheriff Department Pension Plan Board of Trustees;
  - xxii. Soil Conservation District Board of Directors;
  - xxiii. Tri-County Animal Shelter Advisory Board;
  - xxiv. Waterman's Wharf Oversight Committee;
  - xxv. any board, committee, council, or commission created by the Board of County Commissioners after the effective date of this Ordinance, unless made expressly subject to this Section 11-4; and
  - xxvi. any board, committee, council, or commission subject to the provisions of this Section 11-4 but, later, expressly made exempt from this Section 11-4.
- (b) Terms of service for all boards, committees, councils, or commissions subject to this Section 11-4 shall be limited to three (3) consecutive terms. The remainder of a term for which an interim appointment is made to fill a vacancy shall not be considered a "term" within the meaning of this paragraph.
- (c) Persons shall be eligible for reappointment to a board, committee, council, or commission upon which they served previously after one (1) year absence.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance be applied prospectively and, therefore, for the initial application of this Ordinance, terms of those members of a board, committee, council, or commission subject to §11-4, above, begun prior to recordation of this Ordinance shall not count as terms of service for the purpose of calculating the number of consecutive terms served.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

Re: Adopting Provisions related to the Appointment, Function, Removal and Term Limits of certain Boards, Committees, Councils, and Commissions

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth herein.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 29<sup>th</sup> day of November, 2016, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: Commissioners Slaughenhaupt, Hejl and Weems  
Nay: Commissioners Hart and Nutter  
Absent/Abstain: None

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND**

  
Maureen L. Frederick, Clerk

  
Evan K. Slaughenhaupt Jr., President

  
Tom Hejl, Vice-President

Approved for form and legal sufficiency by:

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Mike Hart

  
John B. Norris, III, County Attorney

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Pat Nutter

  
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Steven R. Weems

Received for Record.....11:30....., 2016  
at.....12:45.....o'clock.....P.M. Same day  
recorded in Liber KPS No. ....50.....  
Folio.....327.....COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

