

**PERTAINING TO THE REPEAL OF RULES OF ORDER AND ADOPTION OF
RULES OF ORDER AND BUSINESS PRACTICES POLICY**

WHEREAS, the Board of County Commissioners of Calvert County, Maryland (hereinafter, the "Board of County Commissioners") the Board of County Commissioners of Calvert County desires to conduct its meetings in an orderly fashion so as to promote courteous and full discussion of items of business presented for its consideration;

WHEREAS, the Board of County Commissioners are called upon, from time to time, to sit in either an administrative or a quasi-judicial capacity and hear, consider, and weigh evidence presented desires to adopt Rules of Procedure that are fundamentally fair to all parties and that may be applied similarly in each instance without being or appearing to be arbitrary or capricious

WHEREAS, the Board of County Commissioners have heretofore adopted Rules of Order by Resolution 4-03 that, while sufficient for the time, do not adequately address quasi-judicial proceedings of the Board; recognize decisions by consensus; and make no provision for a Consent Agenda that may expedite the business meeting of the Board; and

WHEREAS, the County Attorney has recommended and the Board of County Commissioners desires to repeal Resolution 4-03 and adopt the Rules of Order and Business Practices Policy attached hereto as Exhibit A and incorporated herein by reference and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Calvert County, Maryland hereby repeals Resolution 4-03 and approves and adopts the Rules of Order and Business Practices Policy attached hereto as Exhibit A and incorporated herein by reference and made a part hereof.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution 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 Resolution shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Resolution, 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 Resolution.

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

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary.

DONE, this 10th day of November, 2020, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

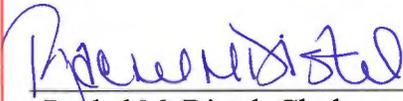
Aye: All 5

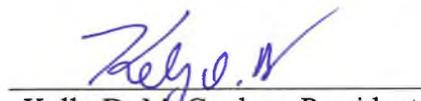
Nay: 0

Absent/Abstain: 0

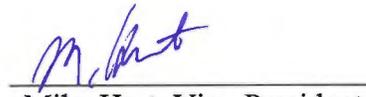
ATTEST:

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

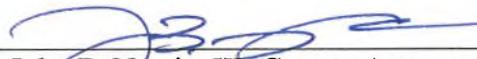

Rachel M. Distel, Clerk

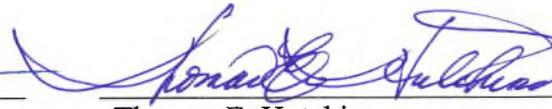

Kelly D. McConkey, President

Approved for form and legal
sufficiency by:


Mike Hart, Vice-President


Earl M. Hance


John B. Norris, III, County Attorney


Thomas E. Hutchins


Steven R. Weems

Received for Record..... November 16, 20.....
..... 8:49 o'clock..... A M. Same day
recorded in Liber KPS No. 62
Folio..... 158 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



SUBJECT: Rules of Procedure and Business Practices Policy	POLICY NO.
TITLE: Rules of Procedure and Business Practices Policy for the Conduct of County Business before the Board of County Commissioners of Calvert County, Maryland	APPROVAL DATE: 10 November 2020
	REVISION DATE:

INTRODUCTION

The successful business operation and reputation of Calvert County is built upon the principles of fair dealing and ethical conduct. The reputation of County governance for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of personal conduct, integrity and public service.

The continued success of Calvert County is dependent upon the public's trust and those who serve the public on behalf of the County should be dedicated to preserving that trust. County Commissioners, appointed employees, and members of all boards, commissions, committees, task forces and other appointed advisory groups, owe a duty to Calvert County and the public to act in a way that will merit the continued trust and confidence of the public.

The Board of County Commissioners expects itself as elected officials, its appointed employees, members of boards, commissions, committees, task forces and other appointed advisory groups to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest, unethical or disruptive behavior. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

It is the policy of Calvert County, Maryland, to uphold, promote and demand the highest standard of ethical behavior from its elected officials, appointed department heads and individuals serving on all boards, commissions, committees, task forces and other appointed advisory groups. It is presumed that those have chosen to serve in order to preserve and protect the present and the future of the County. Honesty, integrity and fairness are hallmarks of public service.

This policy has been created to ensure that the Board, and its appointed employees have clear guidelines for carrying out their responsibilities in their relationships with each other, with all other county employees, with the citizens of Calvert County and with all other private and governmental entities.

SECTION 1: Obey the Laws

Obeying the law, both in letter and in spirit, is the foundation on which this County's ethical standards are built. The Members shall support the Constitution of the United States and the State of Maryland as well as all federal, state and local laws, ordinances, rules and regulations.

SECTION 2: Responsibility of Public Service

Members are to be trustworthy, respectful, responsible, fair, caring and promote citizenship at all times and are not entitled to special consideration or treatment based on their official position or responsibility. In addition:

- A. Members should actively pursue policy goals they believe to be in the best interest of all residents of Calvert County within the parameters of orderly decision-making and the laws and rules governing those decisions.
- B. Members should respect the legitimacy of the goals and interests of other Members and should respect the rights of others to pursue goals and policies different from their own.
- C. Members, who sit on county boards, commissions, committees, advisory groups, task forces, etc., do not individually speak for the body itself unless approved by the Board to do so.
- D. Members should dispose of the business of the County in a deliberate manner that assures citizens have meaningful knowledge of and input into their decisions.
- E. Members should conserve the resources of the County in their charge. They should employ county equipment, property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
- F. In accordance with the Calvert County Ethics Ordinance, as amended from time to time:
 1. In the execution of official County business, a Member shall not put himself or herself in a position where his or her personal interest or his or her immediate family, or for an organization with which he or she is associated conflicts with his or her duties and responsibilities. Members shall disclose any personal relationships to the governing body in the instance where there could be an appearance of a conflict of interest. The Member shall not use official information acquired in the course of their duties for personal gain.
 2. No person may offer or give to a Member, directly or indirectly, and no Member may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the Member's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the Member.
- G. Members are cautioned to refrain from sharing legal advice, discussing personnel matters, discussing matters from closed session, or provide other related direction to members of the public on matters under investigation by Calvert County departments/offices, on matters pending before the courts or government bodies.

SECTION 3: Members' Conduct with County Employees

Governance of the County relies on the cooperative efforts of the Members and the County employees who implement and administer adopted policies and procedures within the County. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community. The following are examples of how the Members should relate to the employees of Calvert County:

- A. Members should treat all employees as professionals. Clear, honest communication that respects the abilities, experience and dignity of each employee is expected. Poor behavior or disrespectful comments toward employees are not acceptable.
- B. Members should never publicly criticize employees. Public criticism of employees leads to poor morale of the employees and undermines their effectiveness with the public and is detrimental to their performance.

- C. Members should not attempt to influence by intimidation or other unethical means, the decisions or opinions of employees on issues that may come before the Planning Commission, Board of Appeals or other Member bodies.
- D. Members may not intentionally coerce or intimidate employees or interfere with employees' duties or authority.
- E. Members shall not instruct nor direct employees to perform duties related to the employee's job.
- F. Requests for information, clarification on items of County business and beneficial revision of County processes are allowed and encouraged. Communication is most effective when the Member contacts the County Administrator or Department Head in charge.
- G. Malfeasance by County Employees shall be addressed as set forth in the County Personnel Code, as amended from time to time.
- H. County Commissioners shall refrain from directly intervening in all personnel matters that could be submitted through the grievance procedures, upon which the Board would have final decision.
- I. A Member's use of staff time for work assignments should first be discussed with the Board and approved majority vote. Consultation with the County Administrator is requested.
- J. Notwithstanding the foregoing, a Member is asked to contact the County Administrator when seeking to address matters of concern or seeking assistance on behalf of constituents. Where such tasking may be adjudged as exceeding a reasonable and prudent use of unprogrammed or reprogrammed staff time, or where the staff tasked could affect sensitive or critical operations of the County, the Board should be consulted prior to commencement.
- K. A Member's concerns regarding any County employees shall be referred to the County Administrator for investigation and follow up.

SECTION 4: Appointment, Review and Removal of Department Heads

- A. Appointment and removal of all County department heads shall be made by the Board of County Commissioners with the advice of the County Administrator.
- B. The County Administrator shall supervise and appraise all appointment department heads under the jurisdiction of the Board of County Commissioners.
- C. When a department head position is vacant, the County Administrator, or his or her designee, shall be authorized to detail a County employee to perform those duties and execute those documents for the department or function which are not otherwise provided by law.
- D. All appointed department heads shall report to the Board of Commissioners through the County Administrator.
- E. The County Administrator, with the approval of the President of the Board, may designate a person to fulfill his or her duties during an absence.

SECTION 5: Open Government

- A. The citizens of Calvert County expect and deserve open government. Maryland's Open Meetings Act embodies the principle that the public is entitled to the greatest possible information about public affairs and is intended to encourage public participation in government.
- B. Members who are subject to the Open Meetings Act of the State of Maryland shall conduct themselves in a manner that fully adheres to the intention of state laws concerning open

meetings and transparency of actions. These Members are encouraged to employ a “mindset of openness” in conducting the affairs of the County in an open meeting and should resort to conducting business in executive session only when allowed by law.

SECTION 6: Agenda and Conduct of Regular Meetings and Special Commissioner Hearings

- A. Except as may be provided by this Policy, questions of order, the methods of organization, and the conduct of business of the Commission shall be governed by the Mason's Manual of Legislative Procedure (2010 edition). Parliamentary courtesy and decorum shall be maintained at all times during meetings of the Board of Commissioners.
- B. The President of the Board shall serve as the Chairperson of a meeting. In the absence of the President, the Vice-President shall serve as Chairperson. The Chairperson shall be responsible for timely, fair, and reasonable conduct of the meeting's business.
- C. A quorum shall be necessary for the transaction of business. A majority of the Board shall constitute a quorum for the transaction of business. All questions which arise at the meetings shall be determined by the votes of the majority of the members present.
- D. The Chairperson presiding over any meeting, which is subject to open meetings laws or not, shall not allow any person to interfere with the orderly progression of meetings. Personal attacks against any Member, County employees, or any other person shall not be permitted regardless of whether the meeting is in session or in recess. If the audience dialogue or Member discussion becomes disruptive or abusive, the Chairperson has the option to ask the offending individual(s) to leave or have the individual(s) removed from the meeting by law enforcement.
- E. All Board of County Commissioner meeting agendas shall provide for the following:
 1. Invocation
 2. Pledge of Allegiance
 3. Roll Call
 4. Approval of the Agenda
 5. Public Service Announcements
 6. Proclamations/Presentations (if applicable)
 7. Appointments (if applicable)
 8. Consent Agenda (if applicable)
 9. Old Business Items (if applicable)
 10. Public Hearing Items (if applicable)
 11. New Business Items (if applicable)
 12. Public Comment (if applicable)
 13. Work Session Items (if applicable)
 14. Commissioner's Reports
 15. Closed Session items (if applicable)
 16. Adjourn
- F. No motion shall be debated unless first seconded. When a motion is seconded, it shall be so stated by the Board President, and the Board shall then proceed to act thereon.
- G. Any Commissioner proposing an amendment shall have the right to open debate.
- H. When Board members embrace a course of action by a clear consensus, the President may, if there is no objection, state that action upon the issue is resolved by “general consensus”

or the “sense of the meeting.” A ruling as to general consensus or the sense of the meeting shall be recorded in the minutes as the decision of the meeting.

- I. The County Administrator, or his or her designee, shall be responsible for reviewing the Board meeting agenda prior to posting.
- J. The Agenda and the matters reflected upon the Agenda shall be provided the members of the Board, the County Administrator, Deputy County Administrator, and County Attorney not less than seven (7) days prior to the meeting.
- K. The hearing agenda for regular and special meetings of the Board of County Commissioner shall be posted in the Board of Commissioners Hearing Room, placed on the County Commissioners web page (www.CalvertCountyMD.gov) at least three (3) calendar days in advance of the meeting. The Agenda may be amended in accordance with the Maryland Open Meetings Act, as amended from time to time.
- L. Ordinances, resolutions, authorizations, and staff reports may be placed on a consent agenda upon review by the President of the Board and the County Administrator as part of the weekly pre-consent review process preceding the next regular meeting. Ordinances requiring a public hearing will not be placed on the consent agenda.
- M. Any Commissioner may request that an item be removed from the consent agenda for discussion. An item removed from the consent agenda will be considered as a separate item of business by the Board. Approval of the consent agenda will be by a simple majority voice vote of the Board of Commissioners.
- N. All matters coming before the Board of Commissioners involving county funds shall be presented in compliance with the current budget and current budget guidelines, and shall include fiscal impact analysis.
- O. County elected officials, appointed officials, or staff may address the Board upon recognition by the Board President.
- P. The following shall be observed during that part of the meeting identified as “Public Comment:”
 1. Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public meeting. Every effort should be made to be fair and impartial in listening to public comments. Members should listen to comments from the public and ask for clarification if they do not understand the comment. Members should not disparage or insult other Members, County employees or other members of the public.
 2. Any individual, or the appointed spokesperson for a group, is welcome to address the Board of Commissioners on any matter germane to the business of County government that is not specifically on the hearing agenda, during the “Public Comment” portion upon being recognized by the Board President.
 3. Persons addressing the Board shall not be permitted to make statement or remarks that concern only the private activities, lifestyles, or beliefs of others, including individual employees of the County or its elected officials, unrelated to the business of the Board of County Commissioners or the professional duties and performance of its employees or the employees of its elected officials. Persons addressing the Board shall identify themselves by name and address and shall refrain from statements, remarks, or conduct that is uncivil, rude, vulgar, profane or otherwise disruptive to the conducting of the Board’s business. Any person making such prohibited statements or remarks or

engaging in such conduct shall be requested to leave the meeting by the Board President.

- Q. Meetings of the Board after business hours shall:
1. Be scheduled upon advance consultation with the Board President and the County Administrator;
 2. At a location of sufficient capacity to accommodate the level of public observation and participation as reasonably anticipated to attend at the time the meeting is scheduled;
 - a) With preference given to locations owned or under the control of the County that meet audio and visual capabilities deemed necessary by the Department of Communications and Media Relations;
 - b) Where such facilities are not available or not convenient for such meeting, preference is next given to educational facilities, including the College of Southern Maryland, with sufficient resources as may be reasonably anticipated at the time of scheduling the meeting;
 3. The Department presenting the subject of the meeting shall budget for and reserve the meeting location prior to all advertisement of the meeting;
 4. The Department presenting the subject of the meeting shall, in consultation with the Department of Communications and Media Relations, consider the public response to the subject and determine if additional accommodation is required to anticipate the public attendance, which may include a change in venue properly advertised as soon as practicable thereafter;
 5. The Department presenting the subject of the meeting shall ensure the meeting location is open and staffed for public admittance at least thirty (30) minutes prior to the advertised meeting time.
- R. The rules of the Board of Commissioners may be suspended by a motion for a particular purpose by a two-thirds vote of the Board.

SECTION 7: Contested Cases

A. General Requirements:

1. The Board of County Commissioners of Calvert County, in their capacity as such, and as the local Board of Health, are called upon, from time to time, to sit in either an administrative or a quasi-judicial capacity and hear, consider, and weigh evidence presented.
2. In such instances, procedural and substantive due process rights may attach and, therefore, warrant adoption of Rules of Procedure that are fundamentally fair to all parties and that may be applied similarly in each instance without being, or appearing to be, arbitrary or capricious.
3. Except upon motion and affirmative vote to enter into Executive Session in accordance with the Maryland Open Meetings Act, as amended, evidence shall be presented to the County Commissioners in hearings open to the public.
4. The President or his/her designee shall regulate the course of the hearing and shall rule upon procedural matters and objections made during the course of the hearing.
5. Individuals attending the meeting shall maintain order and refrain from disturbing the orderly process of the hearing. The President may clear the hearing room of disruptive individuals, or recess the hearing.

6. The President can make such rulings as may be necessary to conduct the hearing in an efficient and orderly manner including, but not limited to, imposing time limitations and excluding irrelevant, repetitive, or unreliable evidence or testimony.
 7. The Clerk to the Board of County Commissioners shall maintain an official record of its proceedings in each case. This record shall include all testimony and exhibits, including an electronic recording of the proceedings. Transcripts of such recordings shall be made available upon request and at cost to the requesting party. The official records shall be kept in the office of the Clerk to the Board of County Commissioners. All information contained in the official records shall be made available to the public upon request, except privileged correspondence between the Board of County Commissioners and its Counsel.
 8. Persons wishing to testify at Board of County Commissioner hearings shall comply with Resolution 6-89, as amended, and the following general requirements:
 - a. All persons who testify before the Board of County Commissioners shall testify under oath, administered by the President or the Counsel to the Board of County Commissioners.
 - b. Each person who testifies shall first give his or her name, address and occupation.
 - c. The President may set time limitations and otherwise limit testimony as set forth above.
 9. Each decision in a contested case shall contain findings of fact and conclusions of law determined by the Board when deciding the case. The Board's findings of fact shall rest entirely upon the record.
- B. Order of Presentation: Each case shall be presented in the following order:
1. The President shall call the case.
 2. All persons wishing to testify shall be administered an oath by the President or Counsel to the Board of County Commissioners.
 3. The applicant or proponent and any of his or her witnesses shall present his case first, submitting all relevant testimony and evidence in accordance with Rule 2-102 herein. The Board of County Commissioner members or its Counsel may question the applicant or proponent and/or his or her witnesses at any time during the presentation. Adversaries shall have the right of cross-examination.
 4. The technical staff shall present any relevant information next, and may question the applicant or proponent or his or her witnesses at this time. The County Commissioners or its Counsel may question staff persons at any time during their testimony.
 5. Any person wishing to testify in opposition to or support of the request shall testify next. The County Commissioners or its Counsel may question such persons at any time during their testimony.
 6. The applicant or proponent shall be provided a time, after all opposition testimony is heard, to rebut any evidence presented by persons in opposition, provided, however, that if any new material is presented at this time, the other parties have a right to respond to the new material.
 7. After all testimony is heard, the Board of County Commissioners shall determine whether the information presented is sufficient for the Board of County Commissioners to make a decision. If the Board of County Commissioners determines that additional information is needed, a motion shall be made to leave the record open for a specified period of time in order to obtain specific information from the applicant/proponent,

staff, the Commissioners' Counsel, or any party specified by the Board of County Commissioners. Any interested party may request that the record be held open for a specified period of time. Such requests shall be granted at the Board of County Commissioners' discretion.

8. If the Board of County Commissioners determine that the information presented is sufficient to make a decision on the request, the President shall accept a motion to close the record and put that motion to officially close the record and a decision shall be made at that time.
 9. No additional testimony or evidence shall be submitted to the Board of County Commissioners after the record is officially closed.
 10. If the Board of County Commissioners determines that additional information is needed following a hearing, the Board of County Commissioners may request additional information from the applicant, staff, its Counsel, or any party specified by the Board of County Commissioners at the end of the hearing. The requested information may be considered at the next regular scheduled hearing of the Board of County Commissioners, or at a special hearing scheduled by the Board of County Commissioners, at its discretion. If such additional information is requested, the Board of County Commissioners shall send a copy of the materials received in response to that request to any interested parties and, upon receiving the additional information, shall allow a reasonable time for their review and comment on the information prior to making its final decision.
 11. The Board of County Commissioners may meet in closed session in accordance with the Maryland Open Meetings Act, as amended. Notwithstanding, the Board shall not hear any interested party in a closed session.
 12. Cases which have not been concluded at the initial hearing may be continued to a day and time announced by the Board immediately before the initial hearing is suspended.
- C. Evidence
1. Any evidence, which would be admissible under the rules of evidence applicable in judicial proceedings in the State of Maryland, shall be admissible in hearings before the Board of County Commissioners.
 2. The Board is not bound by the technical rules of evidence, but will apply those rules so that probative evidence may be conveniently brought forth.
 3. The Board may exclude immaterial or unduly repetitious testimony and other evidence and may limit the number of witnesses when testimony is cumulative in nature.
 4. Public records, previous discussions of the Board, and laws and regulations of Calvert County which pertain to a particular case shall be received by reference by the Board for its consideration.
- D. The following revisory actions are permitted, at the discretion of the Board of County Commissioners:
1. Upon the written request of any party made within 15 days of the issuance of the decision and for good cause shown, the Board of County Commissioners may, at its discretion, suspend its order and re-open the case to reconsider, modify, or rehear the issue, whereupon:
 - a. The party requesting reconsideration, modification, or re-hearing shall serve a copy of the request on all parties entitled to receive notice in the case, and certify such service to the Board of County Commissioners.

- b. The party submitting the written request shall certify in writing that the request has been served upon all other parties to the case. All other parties shall have the right to rebut any statements made by the requesting party within fifteen (15) days.
 - c. The Board of County Commissioners shall not rehear a matter unless evidence is submitted which could not reasonably have been presented at the original hearing, or unless some mistake or misrepresentation was made at the original hearing which requires re-hearing and re-argument in order to be corrected.
2. Without prior notice or hearing, the Board of County Commissioners by resolution, may modify any decisions to correct a clerical error. The Board of County Commissioners shall send a copy of the corrected decision to each recipient of the original decision. The date of the modified order shall be the official issuance date for appeal purposes.
 3. At any time the Board of County Commissioners may, upon its own motion made by a Commissioner voting in the majority, revise, revoke, or rescind any decision or approval in case of fraud, mistake, or irregularity, upon notice to all interested parties and following an evidentiary hearing pursuant to these provisions if there are new facts that could not reasonably have been presented at the original hearing.

SECTION 8: County Operations

Opening and closing hours of County offices shall be determined by the Board of County Commissioners. In the event of an actual or threatened emergency, the Board President, in coordination with the County Administrator and Director of Public Safety, may alter the opening and closing hours of County offices.

SECTION 9: Violation of Code of Conduct

Violations of this Code of Conduct may result in disciplinary action taken by the Board of County Commissioners. Disciplinary action may involve public or private reprimand at the discretion of the appropriate governing body and may include removal from serving on an appointed body or removal from office as provided in law.

SECTION 10: Policy Administration

This Policy may be amended by the Board of County Commissioners as deemed necessary and shall be distributed to all affected persons upon amendment. The Policy shall also be provided to employees and other interested persons upon request without charge.