

MOUNT RAINIER, MARYLAND

COUNCIL RULES AND PROCEDURES

Adopted by

THE MAYOR AND CITY COUNCIL

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Rules of Procedure of the Mount Rainier City Council
 (Adopted at the Regular Council Meeting on Oct. 3, 2017)
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I. AUTHORITY

The Charter of the City of Mount Rainier, Section 305(B), provides that the Mayor and Council shall determine its own rules of procedure for meetings. Rules pertaining to open meetings are in accordance with the provisions of the Annotated Code of Maryland, State Government Article, Section 10-507(b). The following set of rules shall be in effect upon their adoption by the Mayor and Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

II. RULES OF ORDER

For all procedural issues not covered by the rules specified herein, the standard rules of parliamentary procedure, as set forth in "Robert's Rules of Order Newly Revised," shall govern the proceedings of the City Council.

III. TEMPORARY SUSPENSION OF RULES

Any provision of these rules not governed by state law, the City Charter, or the City Code may be temporarily suspended at any meeting of the Council by a vote of a majority of the Council. The vote on any question to suspend the rules shall be by "yes" and "no" and shall be entered in the minutes.

Rules of Procedure of the Mount Rainier City Council

(Adopted at the Regular Council Meeting on Oct. 3, 2017)

IV. AMENDING RULES

These rules after initial adoption may be amended or new rules adopted, in the same manner as any other resolution is passed, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

V. REGULAR AND SPECIAL MEETINGS

A. Temporary Chairperson

In case of the absence of the Mayor and Vice Mayor, the City Manager shall call the Council to order and call the roll of the Councilmembers present. If a quorum is present, the Council shall proceed to elect, by majority vote of those present, a chairperson of the meeting who shall preside. The temporary chairperson shall not preside beyond the adjournment of the meeting for which he or she was elected.

B. Absence of Quorum

If a quorum is not present, an informational meeting may be held, but no formal action can be taken on any issues.

C. Rules for Legislative Business

(1) Agenda

(a) The City Manager will prepare the agenda and post it at City Hall by 6 p.m. of the Friday preceding the regular Tuesday meeting. The agenda shall also be placed on the public access cable channels, social media, and city Web site. Topics for the agenda must be provided to the City Manager before noon of the Wednesday preceding the Tuesday meeting. Agenda items should include a brief synopsis such that the public can understand the nature of the topic. Additions to the agenda after the noon deadline will not appear on the agenda but can by majority vote be added at the beginning of the Tuesday meeting. The agenda along with available supporting documents will be electronically sent to Mayor and Council no later than close of business on the following Monday.

(b) A review of the agenda is the first order of business after the Pledge of Allegiance at a Council meeting. The agenda will be read aloud for the audience. The Chair will ask for any proposed changes to be made by consensus or by a majority vote. The agenda will be adopted by a majority after a motion, second,

and discussion. Once the agenda is adopted, all matters are properly before the Council as they are taken up.

(c) Items of new business shall be discussed in worksession prior to being introduced at a council meeting. Exceptions can be made for emergencies or to avoid missing a deadline.

(d) Order of business on agenda.

Call to Order

Pledge of Allegiance

Review and adoption of Agenda by majority vote

Announcements of Events

Special Presentations Not Related to an Old or New Business Item.

Public Comment

Written Petitions and Requests

Old Business

New Business

Adoption of Minutes of Previous Meeting

Staff Reports

Council Reports

Adjournment

(e) The agenda for each meeting shall include a reminder to mute mobile devices during the meeting.

(2) Announcements and introduction of agenda topics

Correspondence read and announcements made at the beginning of Council meetings, hearings, and work sessions shall be informational in nature. Discussion of substantive issues shall be avoided during the period of time set aside for such announcements. An issue may be added to the agenda or a future agenda by a majority vote.

As each agenda item is taken up, the Chair will introduce the topic and will ask the requestor or author of the legislation to summarize the item and state the action being requested of the Council. The person providing the summary has 3 minutes without interruption to present the summary. The majority may agree to provide more time, if needed.

(3) Legislative schedule

Items to be discussed or voted on shall have been discussed in a previous work session. Exceptions are made for emergencies, needed to meet a deadline, or by a majority vote of the Council.

Substantive resolutions and all ordinances require two readings at least 14

days apart in accordance with City Charter Section 307. Exceptions are made according to Charter Section 307.

(4) Obtaining the floor to speak

After the item has been summarized, a Councilmember who wishes to speak must be recognized by the Chair before speaking. Each Councilmember will be recognized before any Councilmember is recognized for a second opportunity to speak. Once a Councilmember has obtained the floor, he/she will be allowed to speak without interruption by other Councilmembers or by others in attendance except for points of order called by the Chair or by obtaining the Member's consent through the Chair. The Council may by majority vote allow more time to a speaker.

(a) Conduct. Once recognized by the Chair, each Councilmember shall confine comments to the question under debate, maintain a courteous tone, and refrain from impugning the motives of any other Member's statement, argument, or vote.

(b) Personnel Issues. Members of Council shall not raise personnel matters pertaining to alleged improper performance or conduct of any City employee(s) at a public Council meeting. If that happens, the Councilmember shall be ruled out of order and the Councilmember forfeits the floor. The Chair will remind the Councilmember of the rules for speakers; one of the principles of a Council-Manager form of government, namely, that concerns about the conduct of a City employee should go through the Manager; the staff member is not here to defend himself or herself (if that is the case); and the following rule: Any concerns about the conduct or performance of any City employee(s) shall be brought to the attention of the City Manager, or an executive session of Council may be requested to discuss the personnel matter.

(5) Time limit for speaking

The time allotted to each Councilmember for discussion and debate shall be controlled by the Chair. The time limit shall be stated by the Chair prior to beginning discussion or debate.

(6) Main motion

In order for the Council to prepare for debate on an item of decision-making business, three basic steps are required: (1) a Councilmember makes a formal proposal (main motion, "I move that..."), (2) a second Councilmember "seconds" the motion, and (3) the Chair states the question of the motion. At this point, the subject of the motion has formally been brought before the Council for discussion and debate. All other motions must have a main motion as their frame of reference.

(7) *Subsidiary motions*

(a) *General.* Councilmembers can make a number of other motions that affect action on the main motion. In general, these motions can be used to modify the time allotted to discuss the main motion, amend the main motion, simplify the main motion, seek more information before acting on the motion, or to delay action on the motion either temporarily or permanently.

(b) *Limit or extend limits for debate.* The period of time allotted for Council discussion and debate on an agenda item or main motion can be modified by adopting a motion to extend or limit debate.

(c) *Amendments.* A motion to amend a main motion takes precedence over action on the main motion. Voting on an amendment only changes the form of the main motion. If an amendment is accepted, a separate vote must be taken to adopt "the main motion as amended." When a proposed ordinance or substantive resolution has had its first reading according to City Charter §307, but is subsequently amended, the amended ordinance shall be considered as having had its first reading, but the amendments after the first reading require a motion, second and vote. The ordinance is then on the table "as amended." After all amendments have been adopted a fair summary of the amended ordinance must be read prior to the final vote. A substantively amended resolution also must be read as amended after all amendments are adopted.

(d) *Divide the question.* This motion is used to separate a complex motion into parts that are capable of standing as separate propositions that can be voted upon individually. It can serve the purposes of simplifying action or facilitating consensus.

(e) *Commit or refer.* This motion is used to send a pending question to staff or others for additional information gathering, revised recommendations for action, or other further preparation for decision action.

(f) *Lay on the table.* A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. A motion to table is not debatable. If this motion passes, the consideration of the subject may be resumed at any time by a majority vote (to "take from the table") under new business at the same or subsequent meeting.

(g) *End debate (call the question).* A member who has been recognized by the chair may "call the question" to end debate. It requires a second but is not a debatable motion. A majority of those present is required to sustain the motion. This should be used only after everyone has had an opportunity to speak.

(h) *Postpone indefinitely.* Unlike "tabling" a motion, to postpone indefinitely in effect kills the motion.

(8) Other motions

(a) Right to appeal a decision of the chair. Any Councilmember may appeal to the Council as a whole for a ruling on a decision of the presiding officer. The Member making the appeal may briefly state the reason for the appeal, and the presiding officer may explain the ruling. However, there shall be no debate on the appeal. The presiding officer shall put the question: "Shall the decision of the Chair be sustained?" If a majority of the Members present vote "yes," the ruling of the Chair is sustained; otherwise, it is overruled.

(b) Reconsideration. After the decision on any question, any Councilmember who voted with the prevailing side may move a reconsideration of any action at the same or the next meeting. A motion to reconsider shall require the approval of at least three (3) Councilmembers. After a motion for reconsideration has been acted on, no other motion for reconsideration thereof shall be made without unanimous consent of all Members of Council.

(c) Personal privilege. The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

(d) Adjourn: When not in order, not debatable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as interruption of a Councilmember when speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is not debatable.

(e) Point of order. If a member feels the process is unfair or a mistake has been made, the member may call out "point of order" without being recognized by the chair. The chair will expect the member to state the issue in question and the chair should decide how to proceed. A point of order:

- Can interrupt a speaker who has the floor.
- Doesn't need to be seconded.
- Isn't debatable.
- Can't be amended.
- Is decided by the chair.
- Can't be reconsidered.

(9) Voting

When a question is put (motion made, seconded, and discussion concluded), the Chair may ask, "Are you ready for the question?" If there is no objection or further discussion, the vote will be taken. Every Councilmember present shall vote "yes," "no," or abstain from voting. On matters involving the consideration of his or her own official conduct or when his or her financial interests or other ethical concerns are involved, the Member shall "recuse" him/herself from debate and voting by leaving the council chamber prior to the debate. If a conflict of interest unexpectedly arises during a debate, the Councilmember will immediately notify the Chair, and recuse him/herself. Except as provided in the City Charter, state law, or these rules, all voting must be by voice vote or by such other method as a majority of the Council shall decide for any particular vote.

The order of voting shall be determined by the Chair. Councilmembers may not "pass" during a vote. The Councilmembers within each Ward shall alternate in voting first during the meeting. The mayor votes last, if the mayor chooses to vote.

(10) Dissenters and protesters

Each Councilmember has the right to express dissent from or protest against any ordinance, resolution, or act of Council, and have the reason therefore entered into the minutes. Such dissent or protest may be filed in writing after the meeting, couched in respectful language, and presented to Council no later than the next regular meeting following the date of passage of the ordinance, resolution, or objection..

D. Decorum, Disorderly Conduct, or Violation of Rules

Councilmembers must maintain proper conduct and decorum throughout the meeting. If a Councilmember indulges in any language or conduct unbecoming a Councilmember, he or she shall be called to order by the presiding officer and, in such case, the offending Member shall lose the floor and shall not proceed without the approval of a majority of Members present. The Council may, by a vote of not less than four Members, expel a Member from a meeting for disorderly conduct or the violation of Council rules.

E. Respect for Privacy

Members of the Council shall not raise or discuss personal matters of other members of the Council, specifically referring to family, employment or experiences, in reference to items being discussed. However, a member who chooses to share personal information may do so of their own choice. The Mayor and Council shall make every effort to maintain respect for the privacy of Councilmembers and their families.

VI. ROLE OF MANAGER AND STAFF

A. Rights of Manager and Other Staff at Council Meetings

The City Manager shall have the right to take part in the discussion of all matters coming before the Council, and other staff shall be entitled to take part in discussion of the Council relating to their respective offices.

B. Staff Information Support to Council

(1) Recording

Public meetings shall be streamed live, videotaped and made available for public review within 48 hours. Recordings shall be kept as a permanent record of proceedings, labeled and indexed. Copies may be made for the public for a fee not to exceed \$5. Mayor and Council may obtain one copy free.

A synopsis of the public meetings shall be recorded by the staff. A synopsis shall include at a minimum discussion topics, motions and vote outcomes. Any necessary corrections shall be given to the City Clerk. Any Councilmember may request a transcript of specific discussions from a specific meeting. The Mayor and Council may request a transcript of specific meetings of especial importance such as public hearings. The videotape of the meeting shall serve as a verbatim record.

(2) Brief digest

All proposed ordinances shall be reviewed by the City Attorney prior to being presented for second reading and final vote, if not sooner. The City Manager, if requested, shall provide for a proposed ordinance a brief digest of the provisions therein and, where it is proposed to amend an existing ordinance, such digest shall indicate the changes sought.

(3) Fiscal notes

If requested, the City Manager or his/her designee, with the assistance of appropriate department directors, shall prepare or cause to be prepared a fiscal note for an ordinance which would have a significant budgetary effect. The note shall contain an estimate of the impact on City revenues and expenditures during the year in which it becomes effective or the first fiscal year in which the full impact is expected to occur. This fiscal note shall be submitted to the Council prior to the first reading of a proposed ordinance, unless the Council determines that legislative urgency merits that it be submitted prior to the second reading.

(4) Staff reports

When staff members are scheduled to present reports of their activities or results of research, such reports shall be submitted to Council no later than the Friday prior to the meeting, so that the Mayor and Council will have adequate time to read and formulate questions. Mayor and Council will attempt to provide written questions to staff prior to the scheduled appearance. Department heads shall provide periodic reports to Council regarding department activities including a projected list of upcoming projects and deadlines.

VII. ROLE OF PUBLIC

A. Council Meetings Open to Public

As specified in City Charter §305(C), all meetings of the Council, with the exception of executive sessions (authorized by applicable state law), shall be open to the public.

B. Public Availability of Background Information

Background materials and officials reports that the Council will be referencing during debate or questioning of officials shall, to a reasonable extent, be made available in writing to members of the audience.

C. Public Comment

(1) General public comment

(a) Time Limits. The speakers will be recognized in the order in which they are registered with the City Manager or otherwise indicate their desire to speak. Each speaker shall be limited to 3 minutes without interruption. No one shall speak for more than 3 minutes at any one time without the consent of the Council and no one shall speak more than once on any subject until every other person choosing to speak thereon shall have spoken and the Council agrees to hear the speaker a second time. At the discretion of the Council, a group of 3 or more individuals may designate a spokesperson who will have 5 minutes to speak. The individuals of the group then forfeit their right to speak on the matter. Speakers can not reserve time nor give unused time to another speaker. Each speaker is limited to a maximum of 10 minutes which includes comments from the mayor and councilmembers. See Subsection (4) below.

(b) Decorum. While speaking, each person shall maintain a courteous tone and avoid personal attacks. As a courtesy to other residents and businesses, the Council requests that speakers not use specific addresses or names of individuals when describing a situation or making a complaint. Noting the block is preferred.

(c) Personnel issues. Members of the public shall not raise personnel matters pertaining to alleged improper performance or conduct of any City employee(s) at a public Council meeting. If that happens, the speaker shall be ruled out of order and he or she forfeits the floor. The Chair will remind the speaker of the rules for speakers, the principle of a Council-Manager form of government that concerns about the conduct of a City employee should go through the City Manager, the staff member is not here to defend himself or herself (if that is the case), and the following rule: Any concerns about the conduct or performance of any City employee(s) shall be brought to the attention of the City

Manager, or an executive session of Council may be requested to discuss the personnel matter.

(2) *Public comment on legislative issues*

Audience members who wish to speak during debate on a proposed ordinance, resolution, or substantive formal motion will be given 1 minute to make a statement after the council has debated the issue but before the vote. All of the conditions for general public comment apply for public comment on specific legislative issues. In addition, each speaker must confine his or her remarks to the question under debate. At the discretion of the Council, a group of 3 or more individuals may designate a spokesperson that will have 5 minutes to speak. The individuals of the group then forfeit their right to speak on the matter.

(3) *Rules for speakers to be posted*

For regular Council meetings, public hearings and work sessions, the following set of rules shall be printed at the end of the agenda:

Rules for Speakers

The Mayor and City Council invite and welcome comments at public meetings. The Mayor or presiding officer will recognize you. Please introduce yourself at the podium (spelling your last name, for recording purposes). Time limits for speaking are indicated on the meeting agenda.

While speaking, please maintain a courteous tone and avoid personal attacks. If you wish to lodge a complaint about the performance or conduct of any City employee, please bring your concern to the attention of the City Manager, who will look into the matter and respond to you.

As a courtesy to other residents and businesses, the Council requests that speakers not use specific addresses or names of individuals when describing a situation or making a complaint. Noting the block is preferred over a specific address.

Code enforcement and public safety issues should first be brought to the attention of the appropriate department and/or one of your Councilmembers.

(4) *Council response to public comment*

Following each speaker's presentation during a public comment period or public hearing, the Councilmembers are permitted to ask appropriate questions. Councilmembers' comments to speakers shall be limited to asking informational questions or responding to requests for information. The Members' questions, and the speakers' answers to them, will be managed in accordance with the rules specified in Sections (1) and (2). No person, other than the Councilmembers, City

Manager and the person having the floor, shall be permitted to enter into any discussion, either directly or through the Councilmembers. Public comment and council responses should not become a lengthy debate on an issue. A maximum of 10 minutes shall be devoted to one speaker including comments from the mayor and councilmembers. At or before the 10 minute maximum, the Chair may schedule the issue for action at a future meeting, or add the issue to an appropriate place on the meeting's agenda.

(5) Demonstration or disorder among bystanders

If any commotion, demonstration or disorder arises in the Council chamber, the presiding officer may, upon his or her initiative or upon the request of any Councilmember, enforce order. If the offending person (or persons) is a spectator, such person (or persons) may be ejected from the Chamber. If any Councilmember objects to the decision of the presiding officer, such Member shall have the right to appeal to the Council.

(6) Public comment on staff reports

Following an official's report to the Mayor and Council, at the chair's discretion, audience members may come to the podium and ask questions of the official pertaining to the content of his or her report. All of the conditions for general public comment regarding time limits, decorum, and personnel issues apply.

D. Written Public Petitions and Requests

Petitions and requests are defined to include any written communications to the City, Mayor, Council, or City Manager, making any specific or general request requiring Council action. Citizens are encouraged to first contact the City Manager or individual Councilmember to resolve the issue outside the public forum or to add an item to the work session agenda. Upon a written petition or request being presented, the Council shall take one of the following actions:

- * Refer to City staff for handling and disposition. The petitioner and Council shall be apprised of the disposition made.
- * Refer to City staff, or an advisory board or commission for investigation, evaluation, and report of the disposition made.
- * Add to the agenda of a subsequent meeting.
- * By motion duly adopted, place the matter on the agenda of the current meeting.

(1) Written communications requiring council action

Such communications shall be placed on the agenda of the next regular worksession following receipt either as a petition or request or as an item of other business. If a written communication has: (1) been received in sufficient time for City staff to evaluate the request and recommend action, and (2) the written communication and staff recommendation are provided to the Councilmembers

with the meeting's agenda, then the matter shall be placed on the agenda for action by the Council under New Business. Otherwise, the written communication shall be placed as an item under "Written Petitions and Requests" for receipt and referral by the Council. The written communication may be summarized by the City Manager or chair. Written communications may be edited to conform to Council rules regarding decorum and personnel issues.

(2) Written communications not requiring council action

If a written communication addressed to the Council does not require Council action, the City Manager shall send copies to Councilmembers, together with copies of any replies made to the communication, and the matter shall not be placed on the agenda unless a Councilmember or the City Manager requests that it be considered.

(3) Anonymous and/or confidential communications

Confidential and/or unsigned communications shall not be introduced in Council.

(4) Written communications become public record

Written communications become public record once introduced before the Council.

VIII. PUBLIC HEARINGS

A. Purpose

The primary purpose of a public hearing is to permit the Council to gather information and create a public record prior to rendering an informed decision based on available data and opinions.

B. Scheduling

Public hearings shall normally be scheduled to occur during the course of a regular public meeting and identified as a separate agenda item. However, at the discretion of the Council, a public hearing may be scheduled at any other time deemed necessary.

C. Notification

It shall be the responsibility of the City Manager, at the direction of the Council, to notify in a proper and timely fashion all interested parties of the date and subject matter of the hearing.

D. Public Comment

Public comment shall be conducted in accordance with the provisions set forth in §VII above. Each comment shall be limited to three (3) minutes each with a maximum of 10 minutes allotted for comments and responses from the mayor

and council. Unless otherwise constrained, the Council will accept written comments up to seven (7) calendar days after the hearing.

IX. WORK SESSIONS

A. Purpose

Work Sessions of the Council will be conducted in order to ensure the orderly and consistent operational guidance and oversight of the affairs of the City by its elected representatives. The conduct of these Work Sessions is ideally suited for discussion and debate between and among Council colleagues. Work Sessions may also afford elected and appointed officials, staff and residents, businesses and property owners as well as other interested parties the opportunity for open dialogue in a less formal setting than the regular City Council meetings.

B. Scheduling

Work Sessions will be scheduled at regular intervals, usually the third Tuesday of each month. The Council may schedule additional Work Sessions as needed, for example, for special budget sessions.

C. Agenda

(1) Items

(a) Work session agenda items will be set by the Work Plan (established by Council and Manager), Council's rolling agenda, Council vote at a prior meeting, and Councilmembers' request. Agenda items must be submitted to the City Manager before noon on the Wednesday before the session. The agenda for a Tuesday work session will be available at City Hall by the close of business the previous Friday. Agenda items should include a brief synopsis such that the public can understand the nature of the topic.

(b) Additional items and special presentations may be included but only by a majority vote at the beginning of the work session. Work Session's agenda will be publicized in the timeliest fashion possible using whatever media is reasonably available. A proposed written agenda will be posted prominently at City Hall, placed on the public access cable channel, social media outlets, and on the city's Web site.

(2) A review of the agenda is the first order of business after the Call to Order at a work session. The agenda will be read aloud for the audience. The Chair will ask for any proposed changes to be made by consensus or by a majority vote. The agenda will be adopted by a majority after a motion, second, and discussion. Once the agenda is adopted, all matters are properly before the Council as they are taken up.

(3) Time

A time allotment must accompany each agenda item for a worksession. The council may adjust the times when adopting the agenda. A timekeeper should alert the council when a time limit has been exceeded and the council then can decide whether to allot additional time to the topic and/or limit the discussion to specific points. The total time allotted should not exceed 3.5 hours.

D. Notification

City staff will make every effort to notify all those who need to be present at the Work Session at least 48 hours prior to the session. Staff will also notify Council of any last minute cancellations by invited guests or scheduled presenters.

E. Recording

Work Sessions will be streamed live, videotaped and the recordings will be kept as a permanent record and made available for public review. An annotated agenda will serve as an index for recordings. Also, staff will keep a written record of straw votes, verbal consensus, major areas of agreement and disagreement, and Council directions to staff for follow-up work.

F. Presentations

In the interest of time and for the good of the order, presentations will be limited to 20 minutes. Whenever possible, presentations made by parties other than Council and Staff will be moved to the top of the agenda in order to allow those parties the option of leaving the Work Session after their topic has been discussed. Individuals attending Council meetings to present or participate in a conversation on a particular item will necessitate the item being moved to the top of the agenda.

G. Discussion Participants

Some discussions may benefit from the opinions of experts, the views of significant parties involved, or the input of appointed boards and commissions. A Councilmember or staff member shall notify the city manager of such other participants no later than noon on the Friday before the session; the city manager will note on the agenda the invited participants and will notify such persons of the scheduled discussion in as timely a fashion as possible. Participants must conform to the standards of decorum as stated in section VII.

After signing up to speak on a specific topic, an audience member may be recognized by the Chair to comment on the topic under discussion. Each speaker will be given 3 minutes to make a statement exclusive of interruptions by council

or staff for questions. At the discretion of the Council, a group of 3 or more individuals may designate a spokesperson who will have 5 minutes to speak exclusive of any interruptions for questions by council or staff. The individuals of the group then forfeit their right to speak on the matter. Rules of decorum apply (see VII.C).

X. EXECUTIVE SESSIONS

A. Procedure for Closed Meetings

An Executive Session, or closed meeting, may be held in accordance with the applicable provisions of the City Charter and the Annotated Code of Maryland. A majority of the Councilmembers present (but no less than three) must vote in favor or closing the session prior to the meeting in Executive 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, and listing of the topics to be discussed.

B. Topics for Closed Meetings

Topics that may be discussed include, but are not necessarily limited to: (1) personnel matters, including Council-staff relations and the City Manager's review and work plan, (2) protection of the privacy or reputation of individuals in matters not related to public business, (3) consider the acquisition of real property for a public purpose, (4) proposal for a business or industrial organization to locate, expand or remain in the City, (5) investment of public funds or the marketing of public securities, (6) consult with legal counsel to obtain legal advice, (7) pending or potential litigation, (8) public security, including the development and implementation of emergency plans, (10) qualifying examinations, (11) consider licensing or qualifying examinations, (12) investigative proceedings concerning criminal misconduct, (13) compliance with specific constitutional, statutory, or judicially imposed requirements that prevent public disclosures about particular matters, or (14) discuss matters directly related to a negotiating strategy or contents of a bid or proposal, if public discussion could adversely affect the competitive bidding or proposal process. No ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

C. Reporting on Closed Meetings

In accordance with State law, staff will keep a written record of straw votes that take place. In addition, staff will record verbal consensus, major areas of agreement and disagreement, and Council directions to staff for follow-up work.

XI. OTHER

A. Individual Requests of Staff

All requests for assistance from staff by the Mayor and individual Councilmembers must be submitted to the City Manager. Staff will not act upon a request from the Mayor or Councilmembers unless approved by the City Manager. The Mayor and Council as a body may make requests of staff in consultation with the City Manager. The Mayor and individual Councilmembers may make routine requests of staff without City Manager approval ("routine" means requests that any member of the public could make of staff and expect an answer or assistance; such routine requests would include requests for abatement of code violations, police assistance, basic information about codes, complaints to department heads about staff service, etc.).

Any requests for assistance from the city attorney or a contractor must be approved by the City Manager, or Mayor and Council as a body. Requests for assistance from the city attorney or contractors must concern City business. Staff, Mayor, and Councilmembers are encouraged to first contact the Maryland Municipal League for free advice on legal and nonlegal questions.

B. City Hall Rules

Council shall comply with the current City Hall rules involving the use of City Hall materials, supplies, and staff assistance.

C. Access to Staff After Business Hours

Staff will not be called at home about City business after normal working hours except for emergencies involving the police (e.g., serious crime or property damage) or public works (e.g., severe weather, natural disaster).

D. Mayor and Council Attendance at Community Meetings

Members of the Council attending community meetings as a liaison to the Council or as the Mayor or Councilmember should provide a report of the meeting, verbally or in writing, to the Council. In cases where a member attends a community event only as a community "volunteer" or as a "resident", that member is encouraged but not required to provide a report.

E. Dissemination of Correspondence

Any correspondence relevant to City business or the Mayor and Council that is received at City Hall, by post, fax, email, or hand delivery, will be copied to all members of the Mayor and Council regardless of to whom it is addressed.

F. Attending Council Meetings Via Phone Conferencing. Voting During a Phone Link. Quorum Requirement

Councilmembers may request to use phone or video conferencing to participate in worksessions and meetings; however, a councilmember must be present in person at a meeting in order to vote on an agenda item and to be counted as part of the required quorum for a meeting. Except that a councilmember may attend and vote via phone or video conferencing a maximum of two legislative sessions per fiscal year. A councilmember's participation via telephone or computer does not excuse the councilmember's absence from the meeting for purposes of the City Charter requirements on meeting attendance. The council is not responsible for technological problems that prohibit participation or voting.

G. Vice-Mayor Rotation by Resolution

The City Charter provides for appointment of a vice mayor. The practice of the Mount Rainier City Council is to have a vice mayor rotation which allows every councilmember to serve as vice mayor for a period of time—usually a one -year term. The rotation shall be adopted in the form of an official resolution.

H. Answering Questions on Private Listservs

Councilmembers should refrain from engaging in debate on issues being discussed on non-official websites, social media, and community listservs. The councilmember should encourage questions to be directed to his or her City email. Community members should be encouraged to attend council meetings with questions. Councilmembers may answer simple questions and post notices of events or agenda items.

I. Use of Email to Communicate Among Councilmembers and Staff

The following opinion was provided by city attorney Linda Perlman, March 6, 2015, regarding the Open Meetings Act relevance to discussion of issues among councilmembers and/or staff via email. Her opinion is based on the Attorney General's Opinion from 1996 (link provided).

The Open Meetings Act requirements are linked to a public body's holding a "meeting." The term "meet" means to convene a quorum of a public body to consider or transact public business. E-mail exchanges among members of a public body do not involve the convening of a quorum and therefore are not considered a "meeting" subject to the Open Meetings Act.

However, if a quorum of the Council is engaged in a real time simultaneous exchange of e-mails (such as a chat room or instant messaging group or, perhaps, group texts) on a matter of public business, then it could constitute a meeting under the Open Meetings Act. "Then the analogy would be to a telephone conference call, the hallmark of which is the capacity for immediate group interaction and which can constitute a "meeting" under the Open Meetings Act." 81 Opinions of the Attorney General 140, 144 (1996). <http://www.oag.state.md.us/Opinions/1996/81OAG140.pdf>

The Attorney General’s Opinion concludes that: “The Public Information Act applies to an electronically stored e-mail message or a hard copy of the message in the custody and control of a public officer or employee, if the message is related to the conduct of public business.”

J. Mobile Devices

During Council meetings and worksessions, mobile devices must be muted as a courtesy to other participants. The agenda for each meeting shall include a reminder to mute mobile devices during the meeting. Council and staff should refrain from texting because it is distracting and discourteous to speakers.

K. Use of City Facilities

(1) Councilmembers and staff are prohibited from using city-owned buildings for personal meetings or functions that are not related to official city business.

(2) Councilmembers and staff are prohibited from selling items not related to city government business in city-owned buildings.

L. Correspondence Expressing Opinions

Correspondence on city letterhead or from city staff or city officials regarding an opinion on a topic shall explicitly indicate that the opinion does not represent the opinion of the city council.

The mayor and council members shall not affirm to represent the voices of their constituents on issues outside of the city’s jurisdiction (e.g., county, state, or federal issues) except in the case of approval by a majority of the council.

Correspondence that includes opinions for or against an issue outside the city’s jurisdiction must state explicitly whether the opinions have or have not been endorsed by the council.

One of the following disclaimers shall be used-

This email / letter represents only my personal views and does not necessarily reflect the views of the entire Mount Rainier city council or city staff. The opinions presented here are mine alone and do not necessarily reflect those of the entire Mount Rainier city council or city staff.

M. Legal Briefing

After an election, the city council shall be given a briefing on legal issues facing the city.

N. Legislative Transparency Agreement

(1) The fiscal year budget shall not be adopted at a meeting where it is revised by a total of \$20,000 by way of transfer between line items, departments, reserves, or changes in staffing levels. If such changes are made to the proposed budget, a final vote cannot occur within the following two weeks. The public must be notified of the proposed changes and allowed the opportunity to weigh in on the proposed changes.

(2) The tax rate cannot be changed at the same meeting where it will be voted on. This rule can be suspended by a supermajority vote of the Mayor and Council. In cases where a supermajority suspends the rule, the public shall be notified of the changes, a detailed explanation of the amendments must be published in the next City newsletter, and the various City media within 24 hours of the action taken

(3) No ordinance shall be adopted at a meeting where its language is revised beyond typographical errors. If a change is made to the proposed ordinance language, a final vote cannot occur within the following two weeks, and the public must be notified of the proposed changes. This rule can be suspended by a supermajority vote of the Mayor and Council. However, in the case where a supermajority suspends the rule, in order to inform the public of the changes, a detailed explanation of the amendments must be published in the next city newsletter and publicized on social media the following day.

(4) No charter amendment shall be adopted at a meeting where its language is revised beyond typographical errors. If a change is made to the proposed charter amendment, a final vote cannot occur within the following seven days, and the public must be made aware of the changes. This rule can be suspended by a supermajority vote of the Mayor and Council during the public meeting. If such a suspension occurs, a typed version of the document with the proposed changes must be printed and distributed to the Mayor and Council, and audience prior to the final vote being taken.

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