

CHARTER BOARD LEGISLATIVE PROCESS WORK GROUP DRAFT

February 15, 2024

ARTICLE 3.

Legislative Process

301. Legislative Powers

In accordance with Section 202 of this Charter, the Council may enact public local laws for the peace, good government, health, safety, or welfare of the County and on all subjects that have been delegated to the County under the Maryland Constitution and by the laws of the State. The Council may repeal and amend the local laws for the County heretofore enacted by the General Assembly as provided by law.

302. Sessions of the County Council;

(a) *Total session days:* The Council may sit up to forty-five days each year for the purpose of enacting legislation.

(b) *Legislative Sessions:* Except during the month of November in the year in which council members are elected, the Council may enact legislation on the first and third Tuesdays of each month and on any additional days the Council may determine necessary; however:

(1) In the event that the legislative session should fall on a holiday, that said session day shall be held on the next succeeding day, which is not a holiday.

(2) There shall be no legislative session in August, except for an emergency legislative session, or unless the council provides a resolution for a session in August.

(3) In no event shall the Council sit for more than forty-five days in a calendar year for the purpose of enacting legislation.

303. Non-legislative Sessions

The Council may sit in non-legislative sessions at such other times and places as it may determine. In such sessions, the Council may perform any activity or engage in any subject matter that is within its powers and duties to perform or engage, other than the enactment or introduction of legislation.

(1) The subject matter and activities in non-legislative sessions may include conducting public hearings and comments on legislative matters, fact-finding, and inquiry, proposing and adopting Bill amendments, as well as deliberating and debating legislation and legislative policy.

304. Emergency Sessions

The Council may be called into an emergency session for the purpose of introducing and enacting emergency legislation either by the County Executive or by a simple majority of members of the Council.

304. Legislative Procedure

(a) *Procedure for passage of laws* - A proposed law may be introduced by a bill by any member of the Council during a legislative session of the Council, provided, however, that the Council may reject any proposed law on its introduction by a vote of a super majority of its members. Every copy of each bill shall bear the name of the member or members of the Council introducing and co-sponsoring it and the date it was introduced for the consideration of the Council.

Not later than the next business day after the introduction of a bill, the Council President shall schedule a public hearing that shall commence not less than [ten] calendar days and no more than [thirty] days after its introduction.

Upon the Council President scheduling a public hearing, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrator of the Council within twenty-four hours after The Council President has scheduled the hearing on the official bulletin board to be maintained in a public place by the Council.

(b) *Procedure for passage of Emergency laws* – To meet an immediate emergency affecting public health, safety, or welfare, the Council may pass emergency bills. A law may be enacted under this section in the event of an emergency, as defined in Section 104 of this Charter. The emergency law shall not create or abolish an office, grant a franchise or special privilege, create a vested right or interest, or change the compensation, term, or duty of any officer.

(1) A law enacted under this subsection shall be plainly designated as an emergency law and shall describe the nature of the emergency.

(2) The Law may be enacted under this section in the event of an emergency, as that term is defined in Section 104 (I) of this Charter. The emergency law shall not create or abolish an office; grant a franchise or special privilege; create a vested right or interest; or change the compensation, term, or duty of any officer.

(3) An emergency Bill may be enacted into law by an affirmative vote of a majority of the Council members present. The emergency law shall terminate no later than six months after the date of enactment.

(4) To the extent the requirements of this section conflict with the provisions of Section 304, the requirements of this section apply. ie, under the circumstances, on the official bulletin board maintained by the government and on the County website or otherwise published using electronic media, if circumstances allow such publication.

(d) *Quorum* - A Majority of the Council shall constitute a quorum for the transaction of legislative business.

(e) *Public Meetings* - Legislative sessions shall be transparent and accessible to the public, publicly announced in advance, and advertised through various means, including electronic media such as the County website. All sessions shall adhere to the legal requirements for open meetings. Each meeting will provide opportunities for in-person, virtual, or submitted public comments that can be heard either in person or virtually. Each member of the public will have a designated [three]-minute time slot to address the Council. Following public comments, Council Members will be allotted time to respond and engage with public input.

(f) *Journal* - The Council shall provide for the keeping of a journal, which shall contain all the formal actions taken by the Council, whether legislative, administrative or any other types of formal action. The journal shall include all appointments, motions, orders, resolutions, the introduction of bills, reports, and votes but may not include transcripts of speeches, debates, or other statements or remarks. The journal shall be open to public inspection during normal business hours. If the minutes of the Council meetings contain the same material required to be contained in the journal, the collection of minutes shall constitute the journal; otherwise, the journal and minutes shall be separate publications. Copies of the minutes of Council meetings shall be made available to the public upon approval and shall appear on the County website or otherwise be published using electronic media.

(g) *Voting Procedure* - Voting on legislation shall be by roll call, except on procedural motions. The ayes and nays shall be recorded in the minutes.

(h) *Additional Rules* - The Council shall adopt and publish additional rules of legislative procedure as it determines are desirable for efficient operation and are not in conflict with this Charter.

306. Enactment of Legislation

(a) The Council may enact no law except by written bill. All bills shall be styled: Be It Enacted By the Council of Charles County, Maryland," and all laws shall be passed by original bill.

(b) A bill shall embrace one subject. The subject shall be described in its title. No law may be enacted, revised, or amended by reference to its title alone. The duty of the Council shall be to enact the same format and arrangement of words as the legislation would read when it becomes law.

(c) A bill may be introduced by one or more council members at a legislative session. A bill and each copy of the Bill shall bear the name of the council member introducing the bill and the bill's subsequent cosponsors and the date of introduction.

(d) On the date a bill is introduced, the Council shall either reject the bill by an affirmative vote of not less than a Super Majority of the Council, or the President of the Council shall schedule a public hearing on the bill. Within seventy-two hours of its introduction, a copy of the bill, with notice of the date, time, and place of the public hearing, shall be publicized. Before a public hearing on a bill, the title and a fair summary of the bill and the date, time, and place of the public hearing, at which the public shall have an opportunity to testify, shall be published at least once each week for two successive weeks on the County website and in a newspaper of general circulation in the County. If the Council determines that no such newspaper exists in the County or there are other means of high-traffic communication, the Council shall use whatever media it deems most suited to satisfy the public notice requirements of this subsection. The President of the Council may schedule more than one public hearing on a bill, provided the publication and notice requirements of this subsection are met for each hearing.

(e) After a public hearing, the Council may enact a bill into law, with or without amendment, by an affirmative vote of a Majority of the Council. In the event a bill is amended before enactment, and the amendment or amendments constitute a change of substance, the bill, as amended, may not be enacted into law until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill.

(f) **Failure of bills**

(1) A bill not enacted within [ninety] days of introduction is void, unless, by affirmative vote of a super majority of the members, the Council shall extend the deadline for another thirty-five days. The Council may approve a maximum of two such extensions for each bill.

(2) (i) The deadline provided under paragraph (1) of this subsection is extended:

- (1) To the next business day if the deadline falls on a Saturday, Sunday or holiday on which the Council does not meet; and
- (2) To the end of a rescheduled legislative session if a legislative session that was scheduled to occur on or before the deadline is postponed because of inclement weather or emergency conditions.

(ii) The deadline of a legislative session that begins on the last day of a period specified in paragraph one (1) of this subsection or any extended period.

(3) A bill not enacted prior to the month of November in any year in which council members are elected to office is void.

306. Executive Veto

(a) Except as otherwise provided in this section, within ten business days after the passage of any legislation, the Council shall deliver the legislation to the Executive for approval or veto. If the Executive takes no action to approve or veto the legislation within ten business days after receipt, it shall be deemed approved as if the Executive had approved it.

(b) If the Executive approves the legislation, it shall take effect as provided in this Charter.

(c) If the Executive vetoes the legislation, the Executive shall return the legislation to the Council within ten days of its receipt, together with reasons for the veto stated in writing. The Council may override the veto by the affirmative vote of not less than a Super Majority of the Council not later than the next legislative session immediately following the Council's receipt of the vetoed legislation.

307. Effective Date of Laws

(a) The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, **with the exception of emergency legislation**, shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

(b) Emergency legislation is legislation containing a section declaring that it is necessary for immediate protection of the public's health, safety, or welfare and has the same meaning as "emergency legislation" in Article XI-A, Section of the Maryland Constitution.

(c) Emergency legislation shall take effect on the date it is enacted unless a different date is prescribed in the legislation.

308. Referendum

(a) **Scope and Exemptions** - Except for the following, a law, or part of a law, enacted pursuant to this Charter shall be referred to the voters for approval upon the filing of a petition signed by five percent of the registered voters of the County:

- (1) A law imposing a tax;
- (2) A law appropriating funds for the current expenses to maintain the Government;
- (3) A law establishing Council Districts;
- (4) A law adopting a Compensation Review Commission;
- (5) Amending a zoning map; or
- (6) Granting a special exception to zoning regulations

(b) Process

(1) A petition to refer a law, or portion of a law, to the voters of the County shall meet the requirements of State law and may consist of several papers, but each paper shall contain the full and accurate text of the law, or part of the law, that is subject to the petition. There shall be attached to each paper of signatures filed with a petition an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were affixed in the person's presence and that, based upon the person's best knowledge and belief, every signature on the paper is genuine and bona fide and that the signers are registered voters of the County at the address set opposite or below their names.

(2) No later than **fifty-five days** following the date a law is enacted, a petition to refer the law, or portion of law, to the voters under this section may be filed with the Board of Elections for the County.

Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, may not take effect less than thirty days after approval by a majority of voters.

(3) A law, or portion of a law, shall be submitted to the voters pursuant to this section voting either at:

- (1) the next general election for members of the United States Congress; or
- (2) **a special election** called by the Council, which shall be held not less than thirty days and not more than ninety days following the filing of a valid petition pursuant to this section. **A special election is prohibited whenever members of the United States Congress are to be elected at a general election within one hundred eighty days of the filing of a valid petition under this section.**
- (4) A special election called pursuant to subsection four (4) of this subsection shall require an affirmative vote of not less than a Super Majority of the Council.

309. Publication of Laws

(a) The Council shall cause a list of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or other electronic media until codified.

(b) A summary of emergency legislation shall be published promptly after enactment and no later than five business days.

(c) Copies of the laws and the Charter amendments shall be available to the public upon request.

310. Compilation of Laws

The Council shall cause all local laws of general application and continuing force in the County to be available in a digital format and available through the County's website within 30 days of a law's effective date. At intervals not greater than every five years but not less than one year, the Council shall cause the local laws to be printed and distributed as may be required by law or the Council. The digital and print publications shall each contain an index and appropriate notes, citations, annotations, and appendices as the Council determines.

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