

**CHARTER BOARD LEGISLATIVE PROCESS WORK GROUP DRAFT
March 14, 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. Legislative Sessions of the County Council;

(a) *Total Legislative session days:* The Council may sit up to forty-five (45) days each year for the purpose of enacting or introducing legislation, to include emergency legislation as described in Section 304.

(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 business 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.

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.

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

304. Emergency Legislation

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

(1) 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.

(b) *Procedure for passage of Emergency laws –*

(1) A law may be enacted under this section in the event of an emergency, as defined in Section 104 of this Charter. A law enacted under this section shall be plainly designated as an emergency law and shall describe the nature of the emergency.

(2) On the date a bill is introduced, the President of the Council shall schedule a public hearing to be held as soon as possible under the circumstances. Within twelve (12) hours after the Council President has scheduled the public hearing, a copy of the emergency bill and notice of the time and place of the public hearing shall be posted on the official bulletin board to be maintained in a public place by the Council,

Commented [MP1]: verify

and on the County website or otherwise published using electronic media, if circumstances allow such publication.

(3) An emergency bill may be enacted into law by an affirmative vote of a majority of the Council members present, following a public hearing. The emergency law shall terminate no later than six (6) months after the date of its enactment.

305. Legislative Procedure

(a) The Council may enact no law except by written bill. All bills shall be styled as follows: "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 proposed law may be introduced by a bill by any member of the Council during a legislative session of the Council. Every copy of each bill shall bear the name of the member(s) of the Council introducing and co-sponsoring it and the date it was introduced for the consideration of the Council.

(d) On the date a bill is introduced, the Council shall either reject the bill by an affirmative vote of not less than a supermajority of the Council or the President of the Council, not later than the next business day after the introduction, shall schedule a public hearing on the bill at which the public shall have an opportunity to comment. The public hearing shall commence not less than ten (10) calendar days and not more than thirty (30) calendar days after the introduction of the bill. The President of the Council may schedule more than one public hearing on a bill, provided publication and notice requirements are met for each hearing.

Commented [DEM2]: Consider increasing to 45 days to avoid conflicts with December/New Year holiday and/or August recess that may create delay between intro and hearing.

(e) Within seventy-two (72) hours after its introduction, a copy of the bill shall be posted on the official bulletin board maintained in a public place by the Council. A fair summary of the bill, with notice of the date, time, and place of the public hearing(s) shall be published at least once each week for at least 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 and 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 the Maryland Constitution.

(f) *Quorum* - A majority of the Council shall constitute a quorum to conduct legislative business.

(g) *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 legislative session shall incorporate in-person, virtual, or previously-submitted public comments. Each speaker will be allotted three minutes to provide comments. Following public comments, Council Members will be allotted time to respond to and engage with public input.

Commented [MP3]: How would this be implemented for spaces with inadequate facilities?

(d) *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, introductions of bills, reports, and votes but need 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.

(e) *Voting Procedure* - Voting on legislation shall be by roll call. The ayes and nays shall be recorded in the minutes.

(f) *Additional Rules* - The Council may adopt and publish additional rules of legislative procedure it determines are desirable for efficient operation provided that such additional rules are not in conflict with this Charter. To the extent that any additional rules are in conflict with this Charter, the Charter shall prevail.

306. Enactment of Legislation

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 material change, the bill, as amended, may not be enacted until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill as provided in Section 305.

307. Executive Veto

(a) Except as otherwise provided in this section, within ten (10) 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 (10) 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 (10) business 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 supermajority of the Council not later than the next legislative session immediately following the Council's receipt of the vetoed legislation.

(d) The Executive may not veto the Annual Budget and Appropriation Ordinance or the ordinance appointing a Compensation Review Commission provided in Section 207 of this Charter.

(d) Failure of bills

1. Subject to paragraph (2) of this subsection, any bill not enacted within ninety (90) calendar days of introduction is null and void, unless, by affirmative vote of a supermajority of its members, the Council shall extend the deadline for another thirty-five (35) calendar days. The Council may approve a maximum of two such extensions for each bill.

a. (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

Commented [MP4]: Minutes require transcripts of speeches, debates, or other statements or remarks. If Journal "may not" include these, then minutes need to be separate.

Commented [DEM5R4]: I don't understand this comment. Minutes do not require transcripts. In our case, minutes and journal are interchangeable b/c our minutes include all the items here. In any event, either "need" or "may" works for me.

Commented [DEM6]: Removed to avoid ambiguity as to what is or is not a procedural motion.

Commented [DEM7]: Moved to Legislative Procedure. Section 305

Commented [MP8]: 10 calendar days or business days?

Commented [EL9]: Howard County's number is seventy (70)

Commented [EL10R9]: Reference Howard County Charter Pg 7

Commented [MP11]: Is this a significant departure from present standards?

Commented [DEM12R11]: Yes

Commented [EL13R11]: The subcommittee secured this language from the Howard County Charter

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 due to inclement weather or emergency conditions.

(ii) The deadline of a legislative session that begins on the last business day of a period specified in paragraph (1) or any extension of the period.

Commented [DEM14]: Unsure what this means

- b. A bill not enacted prior to the month of November in any year in which Council members are elected to office is null and void.

308. 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 (60) 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.

309. Referendum

(a) Scope and Exceptions

Upon the filing of a petition signed by five percent of the registered voters of the County and in accordance with this section of the Charter, a law, or part of a law, enacted pursuant to this Charter, shall be referred to the voters for approval, except for the following:

- (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;

(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. Each paper of signatures filed with a petition shall have attached thereto an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were inscribed in the person's presence and that, based upon the best knowledge and belief of the affiant, every signature on the paper is genuine and bona fide and that the each signatory is a registered voter of the County at the address set opposite or below their name.

(2) No later than fifty-nine (59) calendar days following the date a law is enacted, a petition to refer the law, or portion of law, to the voters pursuant to this section shall be filed with the Board of Elections for the County.

(3) 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 (30) calendar days after approval by a majority of voters. Emergency legislation shall remain in effect from the date it became law, notwithstanding the filing of the petition for referendum, but shall be

repealed thirty days after its rejection by a majority of the voters voting on the question.

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

(A) The next general election for members of the United States Congress; or

(B) A special election called by the Council shall be held not less than thirty (30) calendar days and not more than ninety (90) calendar 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 (180) calendar days of the filing of a valid petition under this section.

310. Publication of Laws

(e) The Council shall cause a list of all laws enacted, amended, or repealed pursuant to 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.

(f) A summary of emergency legislation shall be published promptly after enactment and no later than five (5) business days.

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

311. 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 thirty (30) calendar days of a law's effective date. At intervals not greater than every five (5) years but not less than one (1) 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 determined by the Council.

Commented [MP15]: ?

Commented [DEM16R15]: Similar language in other charters. Maybe to avoid voter fatigue.

Commented [EL17R15]: Referenced language from Frederick County Charter page 13