

**A RESOLUTION
OF THE COUNCIL OF THE TOWN OF UPPER MARLBORO
ADOPTING NEW RULES OF ORDER AND REGULATIONS FOR
PUBLIC MEETINGS**

WHEREAS, the Council of the Town of Upper Marlboro (the "Council") must meet as required by the Charter of the Town of Upper Marlboro ("Town Charter"), § 82-6 "Meetings of the Council," and at such other times as may be required in the Town Charter and Town Code; and

WHEREAS, when the Council meets, it is required to comply with Md. Annotated Code, General Provisions, Title 3 "Open Meetings Act," Subtitle 3 "Open Meetings Requirements;" and

WHEREAS, in addition to the Open Meetings Act and Town Charter, § 82-6, Council meetings are also governed by other provisions of the Town Charter, such as § 82-8 (Quorum) and § 82-9 (Procedure of Council); and

WHEREAS, pursuant to Town Charter, § 82-9, the Council shall determine its own rules of order of business, which rules must comply with State law, the Town Charter and Town Code; and

WHEREAS, pursuant to Town Charter, § 82-6, the residents of the Town shall have reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, the Council desires to repeal the rules for the conduct of its meetings as adopted in Resolution No. 2022-05 and to adopt the rules and order of business set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Upper Marlboro hereby approves and adopts the following rules and order of business for the conduct of its meetings:

ARTICLE 1. AUTHORITY, APPLICABILITY, & AMENDMENT

1.1 Authority.

Section 82-9 of the ~~Town Charter of the Town of Upper Marlboro, Maryland,~~ grants the **Council of the Town of Upper Marlboro (the "Council")** the right to determine its own rules of procedure **and order of business.** ~~, and the following~~ **These** rules are ~~enumerated under and by~~ **adopted pursuant to this authority of said provision.**

1.2 **Applicability; Robert's Rules.**

The rules of procedure adopted by the **Council** are applicable to Town ~~of Commissioners~~ **Council** meetings. Should these rules be silent or inapplicable on a matter of procedure, then the latest edition of Robert's Rules shall control.

1.3 **Amendment.**

These rules may be amended, or new rules adopted, by a majority vote of the members of the **Council then** present.

1.4 **Recession and Suspension of Rules.**

A motion to suspend these rules ~~and~~ of procedures may be brought pursuant to a majority vote of the members of the Council present.

ARTICLE 2. GENERAL RULES OF PROCEDURES & POLICES

2.1 Meetings.

A. A meeting occurs when a quorum of the Council convenes to consider or transact public business. However, no ordinance shall be approved, nor any other action taken without the favorable vote of a majority of the whole number of members elected to the Council.

B. All meetings of the Council shall be governed by the Maryland Open Meetings Act (Md. Code Ann., General Provisions, Title 3) and shall ordinarily be public. Notices of Council meetings shall be posted as provided under the Maryland Open Meetings Act, Section 3-302, ~~stating that~~, except in the case of an emergency meeting, notice of all meetings shall be given at least 24 hours in advance. Nothing in this section precludes the Council from meeting in closed session as authorized in the Maryland Open Meetings Act. The information required in 3-306 of the Open Meetings Act as to notice to the public of the time, vote, persons present and topics discussed shall be appended to the minutes of the next public meeting.

C. Maryland Open Meetings Act. [Is this really necessary especially in light of the above paragraph B? Instead, perhaps add the following to paragraph B: The Open Meetings Act provides that the public has the right to attend open meetings of the Council. The public has the right to attend and observe, but not the right to speak unless the Town Charter or meeting rules provide otherwise. Town Charter, § 82-6 provides that the residents of the town shall have a reasonable opportunity to be heard at any regular meeting.]

C or D: The Council shall meet in accordance with the provisions of Town Charter, § 82-6 “Meetings of the Council.” The monthly meeting required by the Town Charter, § 82-6 shall be on the fourth Tuesday of each month, unless the fourth Tuesday is a holiday, in which case Council shall reschedule the meeting for a date on which a quorum of the Council can attend.

E. Worksessions. A worksession of the Council is a public meeting for the in-depth review, study, and discussion of Town business, policies, or issues that may come before the Council, allowing council members to ask questions, obtain staff presentations, and prepare for official decisions. Although worksessions are generally open meetings that the public may attend and observe, participation of the public at a worksession is at the discretion of the Council. The Council may call and hold worksessions as it deems necessary. The formal adoption or passage of ordinances, resolutions, charter amendments, annexation resolutions, budget amendments, should not be done at a worksession, unless the Rules are suspended for such purpose. Notice that formal action may occur at a worksession should be noted on the agenda for the meeting. In lieu of scheduling a separate worksession to discuss an issue, the issue may be placed under new business on the agenda for the regular monthly meeting.

F. Special meetings. Should an item of Town business require action before the next monthly meeting of the Council, the Council may call a special meeting. A special meeting may be called upon the request of the Mayor or a majority of the members of Council. The Town shall provide at least three days’ advance notice of a special meeting.

Emergency meetings are a type of special meeting. In the case of urgent public necessity or unexpected circumstances that require immediate consideration, the Council may call an emergency meeting as set forth hereinabove. The reason for the emergency meeting shall be included in the notice of the meeting. An emergency meeting may be called upon giving a minimum of two hours’ advance notice of the meeting to each councilmember, by posting notice thereof on the Town website and at Town Hall, and providing a copy of the notice to the media who regularly covers Town meetings and events, if any. Notwithstanding any other provision of these Rules, the Council may take appropriate action, including introducing and adopting an emergency ordinance, at an emergency meeting.

G. Closed Sessions.

The Council may close a meeting to the public in accordance with the provisions of the Maryland Open Meetings Act, § 3-305 “Closed Session.” Notice of Closed Sessions shall be given as required by law. Additionally, the Council may meet in closed session to perform an administrative function such as to discuss the implementation of existing law,

policy or pre-decisional administrative matters, and may not delve into policy or legislative or administrative rule making.

2.2 Recessed Meetings.

A meeting that is recessed shall be recessed to a date, time and location approved by motion of the Council.

2.3 Informational Meetings.

The Council may hold informational meetings to present information to, and obtain feedback from, residents of the Town. The Council will determine the rules governing presentations at such meetings.

2.4 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The Mayor shall open the public hearing and request staff comments. The Mayor shall then receive citizen input in the following order: proponents, then opponents. While the public hearing is open, the Council Members may ask questions of the speakers. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments and determining that Council members do not have any further questions, the Mayor may close the public hearing. The Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

2.6 Roll Call and Attendance.

- A. A majority of the members of the Council then in office shall constitute a quorum.
- B. Before the Council proceeds with the business before it, the Town Clerk shall conduct a roll-call and note the members present for the minutes. The late arrival of members shall be entered into the minutes.
- C. Except when participating by telephone, or video conference (with cameras on), members must be physically or virtually present at the Council's chamber to vote. Proxy or absentee voting is not permitted. Participation by telephone or video conference is permitted provided the option is properly advertised in the agenda.

2.11 Quorum.

- A. A majority of the members elected to the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Town legislation.
- B. Unless otherwise required by law or the Town Charter or Code, the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, or approve any other action taken except that a vote to adjourn, or decide a procedural matter,

or regarding the attendance of absent members, may be adopted by a majority of the members present.

- C. No member shall be excused from voting except as required by law or on matters involving the consideration of their own ethical conduct or conflict of interest.
- D. If conducting a virtual meeting or blended meeting, at least a quorum of the Council shall be on the call and shall have their video on with their faces visible to the public at all times.

2.12 Loss of a Quorum.

A. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the Mayor or Presiding Officer shall declare the meeting recessed until a quorum is reestablished. All Council members have a duty to attend all meetings called unless there is good cause to be absent.

B. Upon reestablishment of the quorum, the Council shall resume consideration of the matter before it at the time of the recess.

C. If, in the opinion of the Mayor or Presiding Officer, a quorum cannot be obtained within a reasonable period of time; the Mayor or Presiding Officer shall declare the meeting adjourned until the next scheduled meeting.

D. At that next meeting, after taking up the usual preliminary matters, the Council shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Council member from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

2.13 Conflict of Interest.

A. A Council member prevented from voting by a conflict of interest shall file a conflict-of-interest statement with the Town Clerk as soon as possible after the posting of an agenda which contains a conflict; unless a prior conflict of interest statement has already been filed with the Town Clerk.

B. A Council member prevented from voting by a conflict shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, and shall not attend Closed Sessions regarding the matter. Definitions and examples of conflicts or potential conflicts of interest may be found in Town Code, Chapter 2 "Administration," Article III "Officers and Employees," Division 2 "Public Ethics", as amended.

2.14 Presiding Officer.

The Mayor shall serve as the Presiding Officer for all meetings of the Council. In the absence of the Mayor, the Vice-Mayor shall serve as the Presiding Officer. In the absence of the Vice-Mayor, the senior Council member by time in office shall call the meeting to order if a

quorum of the Council is present. The temporary Presiding Officer shall serve in such capacity until the meeting is adjourned.

2.15 Place of Meeting.

All meetings of the Council, unless otherwise determined, shall be held at the Town of Upper Marlboro Town Hall, Meeting/Conference Room. In addition to the customary forms of notification, the notice of change in meeting place shall be prominently posted on the door or other prominent place at the regularly scheduled meeting place. The Town may also conduct virtual or blended (virtual & in-person) as needed, with links to join virtually included on the agenda.

2.16 Notice of the Meeting.

Written notice of all public meetings of the Council shall be posted on the bulletin board or other customary place at Town Hall, and posted on the Town's website and social media outlets, if any. The notice will show the date, time, place and topic(s) of such meetings and shall include a proposed agenda and, if applicable, a notice that portions of the meeting may be closed.

2.17 Conduct of Meetings.

Council Members shall be recognized by the Presiding Officer before speaking. Other persons at the meeting of the Council may speak when called upon or invited.

2.18 Dissents and Protests.

Any Council member shall have the right to express dissent from or protest against any ordinance, resolution, or act of the Council and have the reason therefor entered into the minutes. Such dissent or protest may be filed in writing, if couched in respectful language, and presented to the Clerk no later than the next regular meeting following the date of passage of the ordinance or other legislation.

2.19 Courtesy, Decorum, Conduct and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor (and members of the Council) to maintain that atmosphere of courtesy and decorum. The Mayor should always ensure that debate and discussion focus on the item and the policy in question. In order to assist in the creation and maintenance of that atmosphere the following rules shall govern all meetings.

A. Before a Council member, staff member or an audience member may speak, they must first be recognized by the Mayor. Upon recognition the person requesting to speak shall hold the floor, shall state their name and address and shall make their point clearly and succinctly. Public comments will be limited to three (3) minutes or as determined by the presiding officer. Persons making inappropriate, disrespectful and/or, personal attacks, overly redundant, misleading, or slanderous remarks may be barred by the Mayor from further comment before the Council during the meeting. Audience members who wish to speak during a meeting must first sign-up on the sign-in sheet and submit it to the Town Clerk. The Mayor has the right to cut a speaker off if the discussion becomes too personal,

too loud, too crude, inappropriate, disrespectful, redundant, misleading, or slanderous. The Maryland Open Meetings Act allows for the presiding officer or public body to remove an individual from a meeting if the Presiding Officer determines the behavior of the individual is disrupting an open session.

If a person fails to request to speak before speaking, the Mayor shall rule them "out of order" and remind them that they do not have the floor. While the Council is in session, all members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of any Council meeting, whether a Regular meeting, Special meeting or a work session, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer. Members of the Commission should not leave their seats during a meeting without first obtaining permission of the Mayor, or making a motion to recess.

- A. Every person desiring to speak shall address the entire body and shall not single out a member of the Council, the audience or a staff member and shall confine themselves to the items on the agenda, avoiding all personal attacks and indecorous language.
- B. If a Council member believes the discussion has strayed from the agenda, the Council member may make a motion to return to the agenda ("call for orders of the day"). The motion does not require a vote. If the Presiding Officer discovers that the discussion has strayed from the agenda, he or she shall simply return to the business of the day.
- C. A member indulging in any language or conduct unbecoming a Council Member 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 the members present. The Council may, by majority vote, expel a member from a meeting for disorderly conduct or violation of Council rules. A member of the staff or the public can likewise be expelled by order of the Mayor subject to review by the Council. The Mayor may be expelled if a motion is made by a Council Member and approved unanimously by the Council. The presiding officer to continue the meeting shall be determined in accordance with Section 2.14 above.
- D. Members shall not raise personnel matters pertaining to alleged improper performance or conduct of any Town employee(s) or Council appointee(s) at a public open meeting. Any concerns about conduct or performance of any Town employee(s) or appointee(s) shall be brought to the attention of the Town's Director of Finance & Human Resources, or , when appropriate, the Town Manager.
- E. Members of the Council acting in their capacity as Council Members shall not take positions on either national or foreign political issues that do not affect the Town.
- F. Demonstration or Disorder Amongst Bystanders - If any confusion, demonstration or disorder arises during a Council meeting, the Presiding Officer may, upon his or her initiative or upon the request of any member, enforce order. If the offending person(s) be a spectator, such person(s) may be ejected from the meeting. If any member of the Council

shall object to the ruling of the presiding officer, such member shall have the right to appeal to the body.

- I. Members of Staff - The Town Administrator and Town Clerk shall have the right to take part in the discussion of all matters coming before the Council, and other members of staff shall be entitled to take part in discussions of the Council relating to their respective offices.

- J. Members of the public may speak for three (3) minutes, during Public Comment Time, at Regular Town meetings of the Council according to procedures established by the Council.
 1. A sign-up sheet will be placed on the side table in the room for people to sign-in if they wish to speak. They will be called to speak at the podium in the order in which they were signed-in. If the meeting is held virtually, the public will be able to "raise their hand" or chat with the Town Clerk to sign up to speak.
 2. Each speaker is limited to one presentation per agenda item allowing for public comment per meeting and a maximum timed limit of three (3) minutes unless another limit is established.
 3. If the subject matter does not pertain to Town business, the Mayor shall so advise the individual and/or make a recommendation as to how the issue may be addressed.
 4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
 5. Citizens speaking on non-agenda items shall only speak on matters pertaining to Town business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
 6. The Council may not act upon or discuss any issue brought forth as a non-agenda item; except to: Make a statement of specific factual information given in response to the inquiry, or a recitation of existing policy in response to the inquiry.
 7. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, misleading, or personal attacks are strictly prohibited and violators may be removed from the Commission chambers.
 8. No placards, banners or signs may be displayed in the Council chambers or Town Hall. Exhibits relating to a presentation are acceptable.
 9. Arguing, intimidation or other disruptive behavior is prohibited.

2.20 Council May Discipline its Own Members.

- A. In the event a Council member violates a provision of the Town Charter, the Town Code, these rules or any other law or regulation of the Town or acts in a manner that

causes embarrassment or disgrace to the Town of Upper Marlboro, the Town Council by majority vote of its members may discipline the offending member.

- B. Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the body may proceed in his or her absence.
- C. The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Maryland Open Meetings Act:
 - 1. No Action. The Council chooses to take no action.
 - 2. Private Censure — The Council may choose to privately censure the offending member, leaving their individual or collective comments to the offending member left in the confines of the closed session.
 - 3. Public Censure —The Council may choose to publicly censure the offending member through a written or oral resolution passed by majority vote and entered into the public record. The public censure may include a separate written letter of censure that will be considered to be a public record and placed in the member's personnel record along with any formal resolution.
- D. Town elected officials alleged or found to be in violation of the Town's Public Ethics Ordinance may, in addition to or in lieu of receiving a censure under these rules, be further subject to the enforcement procedures and penalties of the ethics ordinance.

2.21 Motions — when reduced to writing.

Any member of the Council may call for a motion that has been made and seconded to be written down and read by the Town Clerk before debate.

2.22 Other Procedural Motions.

- 1. Motion to Adjourn — This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meetings. This motion requires a simple majority.

2. Motion to Recess — This motion, if passed, requires the body to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
3. Motion to Table — This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Town Council meeting.
4. Motion to Remove from the Table — This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the body can take action on an item that was tabled.
5. Withdraw a Motion — During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

2.23 Rules of Discussion of pending questions.

After the previous question has been seconded and the main questions ordered, the member who has introduced, or the staff member who has reported on the matter under consideration, shall have ample time to discuss the proposition pending, at the close of which the vote shall be taken.

ARTICLE 3. VOTING

3.1 Voting Rules.

A. When a question is put, every Council member present shall vote either in the affirmative or a negative, or abstain if there is a conflict of interest on the matter being voted on before the Council . Any member shall be entitled to abstain so long as such member gives a reason for abstaining and such reason falls within one of the following:

1. When the vote would or could be considered improper pursuant to the Town Public Ethics Ordinance.
2. When the vote could or may show bias for or against a person, organization or business that the member has a close personal relationship with thus reflecting poorly on the member and office such member holds.
3. When any member has a direct financial gain or personal gain from the outcome of the vote.

B. Except when determined by the body to vote using another method, all voting shall be made by voice vote. All votes will be taken by a "roll call" by the Town Clerk and shall be stated as a "yea" or "nay." A record of the "yeas" and "nays" shall be entered upon the minutes of the proceedings of the Council.

D. Prior to a Council vote, the Mayor shall go down the list of the Council Member's names to check individually if there are any comments, questions, or concerns, prior to the vote.

3.2 Voting Disqualification.

A. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.

B. A member shall openly state an abstention due to a conflict of interest or bias.

C. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

D. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.

E. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter.

3.3 Tie Votes in Filling Vacancy.

In the case of a vacancy under Section 82-32 of the Town Charter in the office of Mayor and the remaining four elected members of the Council cannot agree on a successor to temporarily fill the office of Mayor, then the Council member receiving the highest number of votes in the most recent general election shall become the Interim Mayor until the vacancy can be filled by a majority after a special election.

ARTICLE 4. MINUTES & RECORD KEEPING

4.1 Minutes of Meetings.

Minutes of regular meetings, special meetings, public hearings, public meetings, and work sessions shall be made available to the Public by the Town Clerk. However, minutes shall not be available until approved by the Council in a regular meeting. Approved minutes are also posted on the Town's website. Minutes of closed sessions of the body held in accordance with applicable state law shall not be open to public inspection, shall be approved in closed session, and shall remain sealed until the body votes to disclose them which should be reviewed and decided on a periodic basis or as otherwise agreed upon by the Council.

4.2 Record of Meetings.

The Town Clerk or designee shall be responsible for minutes of each Regular or Special Meeting and Work Session of the Council and for maintaining the official record, which shall include all Council actions. Minutes shall include:

- A. All motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- B. Copies of resolutions, new or revised ordinances or other actions approved by the Town Council.
- C. All ordinances, charter amendment resolutions, and annexation resolutions shall have their titles and sequential numbers read into the record.

ARTICLE 5. SUSPENSION & AMENDMENT OF RULES

5.1 Suspension of Rules.

Any provisions of these rules not governed or controlled by federal, or state law, or the Town Charter or ordinances may be temporarily suspended by a majority vote of all elected members of the Town Council and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the Town Council and shall have received preliminary approval of the Town Council at such meeting.

5.2 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order of the meeting. The action may be taken by the Mayor under his or her own action, or upon a motion to enforce by any Council member.

- A. Warning — The Mayor may order any person (Council member, staff member or audience member) in violation of these rules to be silent.
- B. Removal — If, after receiving a warning from the Mayor or presiding officer, the person continues to disturb the good order of the meeting, the Mayor or presiding officer may order the person to leave the meeting. If the person does not leave the room, the Mayor may have the individual removed by the Police.
- C. Motion to Enforce — Any Council member may move to require the Mayor to enforce these rules and the affirmative vote of a simple majority of the body shall require the Mayor to do so. A motion to enforce is an allowable interruption and is not debatable. Failure of the Mayor to comply will result in the Council selecting a new presiding officer and direct staff to have the Mayor removed from the meeting.

ARTICLE 6. THE AGENDA

6.1 Agenda.

- A. The agenda shall outline the established order of business.
- B. The Mayor shall include on the agenda any item at the request of any member of the Council, provided that the member shall have furnished to the Town Clerk a description of the item in time for inclusion with the printed agenda within 3-5 days prior to the meeting.
- C. At least ten days before each regular meeting, the Town Clerk shall provide each member of the Council a copy of the agenda for the forthcoming meeting, together

with copies of all ordinances, resolutions, and background material of matters to be considered at the meeting.

- D. Under Section 3-302(c) of the Maryland Open Meetings Act found in the General Provisions Article of the Maryland Code, the ability to observe does not mean that the public body must provide to the audience copies of the documents being reviewed by the members. However, the public must be given a grasp of what is being discussed and acted upon at the meeting. The Md. Open Meetings Compliance Board has advised that an oral summary or general description of the documents in question will ordinarily serve this purpose.
- E. Copies of the agenda shall be posted on the Town website and on the bulletin Council in the Town Hall at least one business day prior to each regular meeting. A reasonable number of copies of the agenda shall be available to the public at the Council meeting or earlier upon request, as available.
- F. All meeting agendas and amendments to the agenda shall be approved by the Town Council at the beginning of the meeting. Items on the agenda can be reordered by the Council during the scheduled meeting.
- G. Items of routine business that generally require no discussion by the body may be placed on a Consent Agenda of a Regular Meeting. Any member of the Council may remove an item from the Consent Agenda and place it under Action Items.
- H. All meeting agenda and amendments shall be approved the Council at the beginning of the meeting. Items on the agenda can be approved by the Council during the scheduled meeting.
- I. Agendas for Regular Meetings and Work Sessions shall be published at least 3-5 business day prior to the meeting. Agendas for special or emergency meetings may be published as far in advance as reasonably practicable.

6.2 Order of Business.

The Town's governing body shall observe the following order of business at Town regular or special meetings subject to amendment at the subject meeting:

- 1. Call to Order
- 11. Roll Call

- 111. Pledge of Allegiance
- IV. Consent to the Agenda

- V. Approval of Minutes/Financial Reports VI. Staff Reports
- VII. Committee Reports
- VIII Council member Reports
- IX. Business Items
- X. Administrative Updates
- XI. Public Comment

- XII. Adjournment

ARTICLE 7. WORK SESSION POLICIES & PROCEDURES

7.1 Purpose.

The Mayor or Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the Town Council. The work session is a meeting subject to the Open meetings Act.

However, the formal adoption or passage of Ordinances, Charter Amendments, Annexation Resolutions, Budget Ordinance Amendments, and other legislation or resolutions, should not be done at a work session. The following rules shall prevail for the call and conduct of work session meetings. Except in compliance with Section 7.5.

7.2 Agenda.

Only a limited number of matters shall be considered by the Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

7.3 Documents and Exhibits to be Presented.

When possible, staff shall make available to the Council all documents, proposed legislation, policies, contracts, exhibits, maps, plans, architectural drawings, specifications, correspondence or other similar documents at least seven days before the beginning of the session.

7.4 Technical or Legal Questions.

All questions of a technical or legal nature, which require a detailed explanation for understanding, may be considered in a work session. The Council Members may, through the Mayor, request the attendance of such staff members, the Town Attorney or outside experts as may be required to answer such questions. A work session or portion thereof,

like any other public meeting, may be closed to confer with legal counsel, staff or other experts as permitted by the Maryland Open Meetings Act.

7.5 Voting

Voting in a Work Session shall not be permitted except in the case that:

- A. The matter is on a topic considered "Old Business"
- B. The voting on the matter is necessary due to a deadline before the next regular meeting.
- C. The matter does not concern the completion of a contract
- D. The matter does not concern an expense greater than \$5,000
- E. The fact of the vote must be advertised for as long as practical and for a minimum of 24 hours in advance of the Work Session.
- F. The matter will be moved to the first order of business on the Agenda. G. Public Comment must be allowed in accordance with Section 2.9 (J).

7.5 Audience Comments or Questions.

Audience comments or questions will not be considered at a work session. Unless permitted by the presiding officer or unless the Council will be voting on an issue in compliance with section 7.5 above.

ARTICLE 8. GENERAL COUNCIL MEMBER REQUESTS

8.1 Council Member Requests.

Council Member requests that deal with policy issues and Council Member requests that may be construed as direction or orders shall be directed to the Mayor or their designee, except for general inquiries or questions involving constituent services, in which case the Council Members may go to the Town Administrator, unless opposed by a majority of the Council.

8.2 Council Member Requests for Funding.

Council member requests requiring funding must go through the Mayor, Treasurer, and Director of Finance. The Mayor and Treasurer shall respond in a timely manner.

8.3 Use of Staff Resources.

A request for use of staff time, other than standard requests for information from department heads, by a Council Member must be made through the Town Administrator unless already approved by the Council.

ARTICLE 9. PUBLIC STATEMENTS BY COUNCIL MEMBERS

9.1 Representation or position by the Council or the Mayor.

When the individual Council members give a public statement in their elected capacity on an issue affecting the Town, the Council member shall first identify the adopted position of the Town Council with respect to that subject, if any. Thereafter, the elected official may provide a statement of personal opinion or comment (including a minority or opposing viewpoint), provided the Council member expressly acknowledges that such statements do not represent the position of the Town. Notwithstanding anything in this Article to the contrary, the Mayor as the Chief Executive Officer shall be the principal spokesperson for the Town on any municipal matter and pursuant to the Charter may reserve the paramount right and prerogative of speaking exclusively on behalf of the Town pertaining to the administration of the day-to-day affairs of the Town and the faithful execution of all laws and policies of the Town.

NOW, THEREFORE, BE IT RESOLVED, by the Council of The Town of Upper Marlboro, sitting in regular session this 8th day of February 2022.

ATTEST:


Clerk: John Hoatson
Date: February 8, 2022



THE TOWN OF UPPER MARLBORO


Sarah Franklin, President


Janice Duckett, Commissioner


Thomas Hanchett, Commissioner

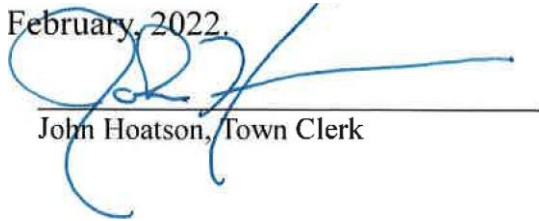

Karen Lott, Commissioner

Vacant, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Council of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In

witness whereof, I have hereunto set my hand and seal of the municipal corporation,
February, 2022.



John Hoatson, Town Clerk

this 8th day of F

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