

POLICIES AND PROCEDURES OF THE CECIL COUNTY COUNCIL

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Res. No. 47- 2013

Res. No. 84-2013; Section 2-8

Res. No. 25-2014; Section 3-9

Res. No. 49-2015; Section 5-19

Res. No. 42-2017; Section 1-5

Res. No. 43-2017; Section 5-13 (deleted)

Res. No. 53-2020AA; Section 1-5

Res. No. 54-2020; Section 2-1

Res. No. 55-2020; Section 2-2

Res. No. 56-2020AA; Section 4-2

Res. No. 57-2020; Section 5-12

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CHAPTER 1

GENERAL PROVISIONS

1-1. Definitions

The following terms have the meanings indicated.

- a) “Bill” means any proposed legislation enacting, amending, or repealing a law, and may include the enactment, amendment, or repeal of certain ordinances or resolutions.
- b) “Charter” means the Charter of Cecil County, Maryland.
- c) “Council” means the County Council of Cecil County.
- d) “County” means Cecil County.
- e) “Effective Date of Bills” means the date the legislation is to take effect.
- f) “Emergency” means:
 - (1) A situation that:
 - i. Requires immediate action to prevent, mitigate or respond to a threat to public security or to the loss of life or property; and
 - ii. Is unanticipated.
 - (2) The term “unanticipated” means that the underlying situation is:
 - i. Sudden, which means quickly coming into being or not building up over time;
 - ii. Urgent, which means a pressing and compelling need requiring immediate action;
 - iii. Unforeseen, which means not predicted or anticipated as an emerging need; and
 - iv. Temporary, which means not of a permanent nature. (Charter, Article 1 Section 104 (c))
- g) “Emergency legislation” means a law enacted by the Council in the event of an emergency as governed by Section 306 of the Charter.
- h) “Emergency meeting” means a meeting called by the Council President, County Executive, or four council members, to act on a situation that requires an immediate response.
- i) “Enactment of Bills” means the date that legislation was adopted by Council.
- j) "Expedited legislation" means legislation that is introduced, requested for expediting by sponsor, approved by a supermajority of the Council at introduction, scheduled for public

hearing four weeks from introduction, and subject to final reading at the conclusion of the public hearing at the same legislative session. (added by Res. No. 49-2015)

- k) “Final reading” means the process by which a bill is presented to the Council in its final form and during which the Council votes on whether the bill, as presented in its final form, passes or fails.
- l) “Legislative activity” means activities that may result in the passage of a bill.
- m) “Member” means Council member.
- n) “President” means President of the Council or the Vice-President of the Council or other member while presiding in the President’s absence.

1-2. Robert’s Rules of Order

In all matters not provided for in these Rules, the applicable rules in the current edition of Robert’s Rules of Order Newly Revised govern.

1-3. Suspension of rules

- a) Except for a rule that is required by law, the Charter, or ordinance, a motion to suspend one or more of these Rules requires the affirmative vote of at least 4 members for adoption.
- b) A separate suspension of the rules is required for each proposition.
- c) A rule that is required by law, the Charter or ordinance cannot be suspended.

1-4. Change in rules

- a) These Rules may not be amended unless the proposed amendment is: (1) Prepared in the same form and manner as that required for an amendment to a bill; (2) submitted to the Council at least one (1) legislative meeting before it is considered; and (3) adopted by the affirmative vote of at least 4 members.
- b) A rule that is required by law, the Charter or ordinance cannot be amended.

1-5 Request for Legal Opinion (amended by Res. No. 42-2017 and 53-2020AA)

- a) Pursuant to Section 213 of the Charter of Cecil County, Maryland, the County Council may employ legal advisors as it deems necessary to perform its functions by resolution, at its discretion and subject to the provisions of its budget or supplemental appropriations. The County Council may use legal counsel as contracted by the Council, or the County Attorney, if Council has not contracted an attorney.

- b) Any Council Member(s) seeking a legal opinion must make their request to the Council President.
- c) Requests to seek legal opinion must be approved by the Council President or approved by three (3) members of the Council before submission to the Council Attorney.
- d) The Council Manager will submit the request to the Council Attorney and convey the response to Council Members.
- e) During an open or closed Council session, the Council may request a legal opinion from the Council Attorney, approved by the majority of Council Members.

1-6 Reimbursable Expenses

- a) Council members may be reimbursed for mileage to attend meetings, conferences, and training; which are directly related to representing the county or their district. Expenses to attend fundraisers, social or recreational events will not be reimbursed. Attendance at retirements or honorary banquets will not be reimbursed.
- b) Mileage reimbursement may be submitted for travel between their starting location at home or the office to their destination; and, where applicable, the return trip. No reimbursement will be given for commuting to the administrative office for any meetings.
- c) Mileage reimbursement will be based on the same rate as every county employee. .
- d) Expenses for tolls and parking are eligible for reimbursement.
- e) Travel reimbursement must be submitted monthly on the form provided by the County so that the reimbursement can be processed and issued promptly.
- f) The Council President will review and, when appropriate, approve expense reimbursements submitted by Council members. The Council Manager will process these expenses in the financial system.
- g) Council members may be reimbursed for attendance at the Maryland Association of Counties conference including registration, lodging, and meals. Expenses other than expenses, lodging, and meals are not reimbursable. Reimbursement for the cost of lodging is limited to only the days necessary to attend the scheduled events.
- h) Council members who wish to attend out-of-state conferences or meetings must first obtain Council approval in order to be eligible for expense reimbursement. Reimbursement for attendance at out-of-state conferences, if approved, will be limited to expenses, lodging, and meals.

1-7 Council Board and Committee Appointments

- a) As per Charter §412 (c), Council appointments to boards and commissions established exclusively to advise the Council must be confirmed by the Council during legislative meetings.
- b) Each candidate for appointment must complete a Personal Data Sheet (see Appendix A) prior to confirmation. Personal data for consideration of an appointment shall include contact information for the education, occupation and employer, community involvement, and councilmanic district.

1-8 Proclamations and Certificates

- a) Requests for proclamations and certificates from organizations, citizens, government agencies, and members of the Council or County Executive may be considered. Refer to Appendix B for a copy of the request form.
- b) Council members should forward requests for proclamations or certificates to the Council Manager.
- c) In circumstances where a proclamation or certificate will be presented by the Council, the Council staff shall prepare proclamations or certificates in advance of the presentation, and the Council Members will be asked to sign the proclamation or certificate.
- d) Proclamations and certificates will be presented by Council using the following criteria:
 - i. Assigned to Council Member who represents the district where the individual resides;
 - ii. Assigned to the Council Member who is the official liaison to a committee or board;
 - iii. Assigned to the Council Member who has requested the proclamation or certificate;
 - iv. Assigned to the Council President when countywide, out-of-county or state.
- e) Requests for proclamations or certificates made within ten (10) days of the presentation may be declined.

1-9 Council Budget

- a) The Council Manager will prepare a proposed department budget annually and present the budget to the Council for review and revisions during a work session. After the Council has approved the budget request, the Council Manager will submit the budget request to the Director of Administration.
- b) The Council will adhere to County purchasing procedures. Council staff will process purchases in the financial system and the Council Manager will approve.
- c) The Council Manager will prepare budget transfer requests within the Council departmental budget and present such requests to the Council for consideration at a work session. Budget transfers will be processed in the financial system by the Council Manager after the Council has approved the request.

- d) The Council President will review and, when appropriate, approve expenses submitted by Council members. The Council Manager will process these expenses in the financial system.

CHAPTER 2 MEETINGS GENERALLY

2-1. Legislative Days (amended by Res. No. 54-2020)

- a) The Council shall meet on the first and third Tuesdays of the month, and these meetings shall be termed a “Legislative Session Day”. On a Legislative Session Day, the President shall schedule the final reading of bills, the introduction of new bills, introduction and consideration of amendments to bills, resolutions, and ceremonial functions. When the first or third Tuesday falls on a holiday, the next succeeding Tuesday shall be a day for enactment of legislation.
- b) The Council President may add to a designated Legislative Session Day agenda other subject matter and activity that is within the powers and duties of the Council to perform or engage, in accordance with Section 2-2 of this Chapter. A final reading of a Bill cannot be scheduled on the same legislative session day that the public hearing was held, unless it has been designated as expedited legislation.
- c) Proposed amendments to bills scheduled for final reading may be introduced and considered by the Council provided such amendments are not substantive (See Rule 5-11). If the proposed amendments to a bill is substantive, then the bill shall not be adopted at the meeting. The Council President shall schedule another public hearing on the amended bill, after which the bill may be scheduled for final reading, pursuant to the Charter.
- d) The Council President, with Council approval, may determine additional legislative days, as needed.

2-2. Council Work Session and Workshop Meetings (amended by Res. No. 55-2020AA)

- a) The Council President may schedule a Council Work Session or Council Workshop on any Tuesday of the month, as needed. Scheduling will be based on the Council’s need to discuss issues and/or allow presentations from other departments, agencies, and the public.
- b) Council Work sessions and Council Workshops will be held in the Elk Room, or such location as authorized by the Council with public announcement so that the business can be recorded. Minutes will be taken by the Council staff, subject to approval by the Council.
- c) An agenda will be drafted in advance of Council work session and Council workshops by the Council President, and such agendas will include topics for discussion. The Council President will ask for suggested topics from Council Members. The final agenda, with supporting documents, will be distributed to Council Members and the public by 4:30 p.m. on the Friday prior to a Tuesday meeting.

- d) Public Notice will be given for the Council work sessions and Council Workshops in the same manner as the Legislative Sessions. The public is permitted to attend all meetings with the exception of closed sessions, as permitted by the Annotated Code of Maryland, State Government Article, Title 10, Government Procedures, Subtitle 5. Meetings, Section 10-508(a).
- e) The Council may only take votes on procedural matters that are not legislative in nature at the Council work sessions and Council Workshops.

2-3. Other meetings

- a) The Council may schedule other meetings to perform any activity or engage any subject matter that is within its powers and duties to perform or engage, except to take legislative action. Such subject matter and activities include, but are not limited to, rezoning and budget hearings, conducting public hearings on legislative matters, consideration of nominations, fact-finding and inquiry, proposing and discussing bill amendments, as well as deliberating and debating legislation and legislative policy. Other Council meetings shall meet the requirements as outlined in Chapter 3. The activities and subject matter specific to the designated Legislative Days are provided in Rule 2-1 (a).
- b) Items requiring action by the Council that are not considered legislative, shall generally be introduced at one meeting and scheduled for consideration and action at the next subsequent meeting. See Section 5-18 and Appendix C for format for Resolutions.

2.4. Closed Session Meetings

The Council may convene in closed session pursuant to the Annotated Code of Maryland, State Government Article, Section 10-508(a) 1 through 14. A Closed Meeting written statement must be completed and signed by the Council President, and such statement shall provide the public information on the date, time, location, statutory authority for the closed meeting, the reason for the meeting, and any action that was taken by the Council.

2-5. Emergency meetings

- a) An emergency meeting may be called by the Council President, by four (4) Council members, or by the County Executive. Upon notification to the Council of an emergency meeting, the notice of the emergency meeting must be posted on the County website and shall include the purpose, subject, location and time of the emergency meeting.
- b) In the event that the County website or Internet access is unavailable, notices would be sent out to area media for broadcasting on local stations.

2-6. Cancellation and adjournment of meetings

- a) Scheduled meetings of the Council may be cancelled by the Council President or the Council. The Council President may cancel a scheduled meeting due to inclement weather. The Council

may cancel a scheduled meeting by an affirmative vote of at least four (4) members, provided that the vote is taken at least seven (7) calendar days before the canceled meeting. Should a scheduled meeting be cancelled, any public hearings that may have been scheduled for that meeting shall be rescheduled.

- b) If business cannot be concluded at the meeting in which it is scheduled for discussion, the Council may adjourn the proceedings to a later date, except business not concluded on a Legislative Day must be rescheduled on another Legislative Day, as per Chapter 2-1 (a).

2-7. Council Decorum

- a) Council members will address personal disagreements directly with each other. They will not speak disrespectfully or dismissively of each other to anyone.
- b) Council members will devote the time necessary to continue to foster a productive and respectful communications and working dynamic between each other and staff.
- c) Council members will respect the roles of our positions and those of our staff. In return, Council members expect follow through, feedback and communications from staff.
- d) Council members will always use language and tones that are respectful and civil.
- e) Council members will be on time for meetings.
- f) Council members will be respectful of the time of presenters and staff, and do their best to observe the times listed on the agenda.
- g) Council members value the diverse perspectives of the members and will endeavor to keep debates focused and productive. They will not resort to personal attacks in the heat of disagreement
- h) Council members will uphold the meeting protocols for audience members and presenters in order to have efficient and productive meetings.
- i) Council members will respect and expect staff and outside agencies to respect agenda deadlines and submittal requirements.
- j) Council members will not discuss items that do not appear on the agenda. If they wish to address an issue, they will do it during the Council Member Comments section
- k) Council members will keep their comments, questions and discussion on the issues or questions before the Council.
- l) Council members will stay focused on the business at hand during the meetings. If they need to address a personal or business matter during the meeting, they will ask the Council President to call a recess.

- m) During the meeting, Council members will address each other as Councilman, Councilwoman, Mr. or Ms.

NOTE: As adapted from Caroline County Board of Commissioners

~~2.8 Discipline of Members (Res. No. 87-2013 as amended) Sunset clause 12/12/2014~~

~~a) Progression of disciplinary action; three step process~~

~~1) Gaveled by presiding officer or point of order called by member~~

- ~~(a) "Oral warning" means when the presiding officer uses the gavel, points out the fault, and advises the disorderly member to avoid it.~~
- ~~(b) Oral warning is given when a member is out of order for first and second incident in the same meeting.~~
- ~~(c) Presiding officer or another member can call disorderly member out of order.~~
- ~~(d) No vote taken~~

~~2) Move to censure~~

- ~~(a) Censure means when the presiding officer calls for the disorderly member to be censured, after two oral warnings, and directs the secretary to take down the objectionable or disorderly words used by the disorderly member, and enter in the minutes.~~
- ~~(b) Motion to censure is made when the disorderly member continues to be out of order or for third incident during same meeting.~~
- ~~(c) Presiding officer or member can make a motion to censure.~~
- ~~(d) Motion should state "(name of member" has been asked to come to order, but has continued to be out of order and I move to censure (name of member)".~~
- ~~(e) Vote must be taken, majority rules; disorderly member shall not vote.~~
- ~~(f) If motion passes, action is recorded in minutes of meeting record.~~

~~3) Move to suspend~~

- ~~(a) "Suspend" means when the members vote to remove a disorderly member, who has already been censured from the remainder of the meeting.~~
- ~~(b) A motion to suspend disorderly member is used when a disorderly member continues to be out of order or for fourth incident during same meeting.~~
- ~~(c) Presiding officer or member can make a motion to suspend member who is out of order.~~
- ~~(d) Vote must be taken, majority rules; disorderly member shall not vote.~~
- ~~(e) If motion passes, action is recorded in minutes of meeting record~~
- ~~(f) Presiding officer will ask disorderly member to leave the chamber for the remainder of the meeting.~~

~~(g) If disorderly member refuses, presiding officer will recess meeting and all other members will leave while Sergeant at Arms is called to escort disorderly member from meeting.~~

~~b) Examples of disorderly behavior~~

- ~~1) Interrupting the speaker who has the floor.~~
- ~~2) Speaking without being recognized by the presiding officer.~~
- ~~3) Address another member instead of the chair in debate.~~
- ~~4) Speaking on completely irrelevant matters or failing to confine remarks to merits of question.~~
- ~~5) Questioning the motives of other Council Members, staff or attending citizens by name.~~
- ~~6) Showing disrespect to presiding officer, other members, staff or public.~~

~~c) General~~

- ~~1) Only the Council by majority vote has the power to remove a disorderly member.~~
- ~~2) Motions for censure or suspend a disorderly member are not debatable or amendable.~~
- ~~3) The progression of discipline will apply to all meetings of the Council including Citizens Corner, Work Session and Legislative Sessions.~~

~~d) Section 2.8 will sunset on December 14, 2014.~~

CHAPTER 3 MEETING LOGISTICS

3-1. Meeting time and location

- a) Council meetings, termed a “Legislative Day”, shall be scheduled to convene at 7:00 p.m. on the first and third Tuesday of each month, and shall be held in the County Administration Building in accordance with Chapter 2, Section 2-1 (b).
- b) Other Council meetings may be scheduled as needed, as per Chapter 2, Section 2-3.
- c) Legislative meetings scheduled by the Council to convene at a location other than in the County Administration Building, may be authorized by the affirmative vote of three (3) Council members at least one week in advance.
- d) No meeting shall continue past the hour of 12:00 midnight unless these rules of procedure are suspended, as per Chapter 1, Section 1-3.

3-2. Meeting notice

Public notice of meetings, which must include information as to the matters pending before the Council, the purpose of a meeting and its agenda, are to be provided as required by law, the Charter, ordinance or these Rules.

3-3. Council Attendance

- a) Council members must be present during the roll call vote at a legislative meeting in order to cast their vote.
- b) Any Council Member who is unable to attend any Council meeting must notify the Council President and/or Council Manager.
- c) A Council Member shall be permitted to participate, by phone, up to four (4) times per year in non-legislative meetings that such Council Member is unable to attend in person, provided:
 - i. The Council Member advises the Council Manager twenty four (24) hours prior to the scheduled meeting that he/she would like to participate in the meeting by phone; and,
 - ii. The Council Member has not exceeded the four (4) times per year limit.
- d) A Council Member may exceed the four (4) times per year limit in circumstances where he/she has a situation or medical condition that prevents the Council Member from attending a non-legislative meeting in person.
- e) Council staff will make arrangements for the Council Member to participate in a non-legislative meeting via phone; however, if there is a technical difficulty beyond their control, the Council Member will be unable to participate via phone.

3-4. Copies of bills

At its public hearing, copies of a bill will be provided to the public at no cost to the recipients. Thereafter, members of the public may obtain paper copies of bills for the cost of reproduction.

3-5 Meeting Minutes

- a) The written meeting minutes shall be the official record of the meetings of the Council. In accordance with Section 10-509, State Government Article, Annotated Code of Maryland, the minutes of Council meetings shall reflect:
 - i. Each item the Council considered;
 - ii. The action that the Council took on each item; and
 - iii. Each vote that was recorded.
- b) If the Council meets in closed session, the minutes for its next open session shall include:
 - i. A statement of the time, place, and purpose of the closed session;
 - ii. A record of the vote of each member as to closing the session;
 - iii. A citation of the authority under the subtitle for closing the session; and
 - iv. A listing of the topics of discussion, persons present, and each action taken during the session.
- c) Other matters relative to meeting minutes, roll call votes, and the Council Journal, may be required by law, by the Charter, and/or by these policies and procedures.

Minutes of the Legislative Session and Work Session shall be provided to Council Members in advance for review. At the session, Council Members may amend the minutes as needed. The audio and/or video recordings of the sessions may be reviewed by Council Members, staff, or the public to bring any differences in the written minutes to the Council. Council shall approve the meeting minutes and any amendments to the minutes by motion.

3-6. Copies of minutes

Pursuant to the Charter, copies of the minutes of Council meetings are to be posted within 24 hours after approval. Such copies must be posted on a bulletin board maintained in a public place and appear on the County website or otherwise be published using electronic media.

3-7. Council Journal

- a) Pursuant to the Charter, a Council Journal is to be maintained in which the proceedings and minutes of the Council are recorded. The Council Journal is to be open for public inspection during normal business hours. Audio recordings of meetings that are open to the public pursuant to State law are to be made available on the County's website.
- b) Every question or motion presented to the Council for decision, and the title of every bill, ordinance, resolution, or other legislative matter considered, must be recorded in the Journal.
- c) The name of every Council member introducing a bill, ordinance, or resolution, or moving to amend a bill, ordinance, resolution, and/or other legislative matter, is to be entered in the Council Journal.
- d) Roll call votes and the ayes and nays are to be recorded in the Council Journal.
- e) When a bill, ordinance, resolution, or other legislative matter is recorded in the Council Journal for the first time, its title must be entered in full. Thereafter, subsequent entries or any legislative matter may be made by number and abbreviated title.
- f) Other matters may be entered into the Council Journal as may be required by law, the Charter, these Rules or by the Council President.

3-8. Public participation at meetings

- a) Adequate seating for the public will be provided at every public meeting.
- b) At public hearings and at legislative meetings, the presiding officer will provide time for members of the public to address the Council on pertinent matters.
- c) Persons who wish to address the Council will be allowed to do so at a designated time, and will be recognized by the presiding officer. Upon recognition, the person must begin by first stating his or her name, town of residence, and the persons or organization represented, if any.

Council reserves the right to allocate the amount of time individuals are permitted to speak during public comment and/or public hearings.

- d) The presiding officer shall ensure that the meeting of the public body is conducted in an orderly, civil and courteous manner to permit all participants the ability to state his or her position, and make his or her comments in a professional atmosphere.
- e) Meeting participants are expected to behave in a professional manner and not take any action(s) that would visually or verbally disrupt, interrupt, or otherwise create an antagonistic atmosphere to conduct the business of the County.
- f) The presiding officer may order any meeting participant who persists in conduct that prohibits the public body from conducting the business of the County be removed from the meeting, and the presiding officer may recess the session and/or request police assistance to restore order.

3-9. Opening Prayer (Res. No. 25-2014 as amended)

- a) The Opening Prayer will be given immediately after the Pledge of Allegiance while the audience is standing.
- b) Council Members will take turns in leading the opening prayer at the legislative sessions.
- c) Council Members have the option of omitting the invocation, leading a moment of silence, leading the prayer personally or inviting a pastor or other religious leader, or any member of the public, to give the opening prayer.
- d) The citizens in attendance will not be required to participate.

**CHAPTER 4
MEETING PREPARATION**

4-1. Meeting agendas

- a) The Council President is to prepare the agendas of all meetings.
- b) Requests to include an item on a given agenda must be submitted to the Council President no later than the close of business on the Thursday preceding the meeting at which it is proposed for discussion.
- c) Prior to their discussion by the Council, all agenda items must satisfy the public notice requirements established by law, the Charter, or ordinance that may be relevant to the item.
- d) Each agenda is to be distributed to Council Members and the general public not later than 4:30 p.m. on the Friday preceding the meeting for which it is relevant. After distribution, the

Council President may amend an agenda. In the event of amendment, the Council President must prepare and distribute a replacement agenda.

- e) After the agenda is issued on Friday afternoon, additional items may need to be added by the Council President. The revised agenda shall list additional items or the deletion of items as may be required. Any revised agendas shall be available to the public with any changes noted as proposed additions or deletions. At the beginning of the Council Legislative Session or Work Session, any changes to the agenda shall be presented for approval.

4-2 Agenda Format (amended by Res. No. 56-2020AA)

- a) Refer to Appendix D for the format of the agenda for legislative meetings of the Council.
- b) The Council, by majority vote, will schedule public meetings with citizens on an as needed basis, the date and time of the meeting will be included in the agenda of the work session or legislative session.
- c) Each agenda shall list the date and time of the next legislative meeting and the availability of the minutes and audio recording of the meeting on the County website.

4-3. Distribution material

Before the start of each meeting the Council Manager will provide a packet to each Council Member, which includes all bills, ordinances, resolutions, reports, and motions that are to be discussed.

4-4. Form of bills and amendments

- a) Pursuant to the Charter, the Council cannot enact any law except by written bill. See Appendix E for Bill format.
- b) A bill must embrace only a single subject, which shall be described in its title. A bill must bear the name or names of the members who are responsible for its' introduction.
- c) All bills are to be styled: "Be it enacted by the County Council of Cecil County, Maryland."
- d) The lines of the text of a bill are to be consecutively numbered beginning at the top line of each page.
- e) A bill introduced on behalf of a constituent must be designated as being introduced by "Council Member [name] at the request of [name and address]."
- f) A bill introduced on behalf of the County Executive must be designated as being introduced by the President of the County Council at the request of the County Executive.
- g) Amendments to a bill are to be appended to the bill and introduced on a plain page in a printed form. The page on which the amendment appears is to state: (1) The number of the bill which

it amends; (2) the member or members introducing the amendment; (3) the date of consideration; (4) the amendment number; and (5) appropriate notations of adoption or rejection typed thereon. See Appendix F for format of Bill Amendments.

- h) A bill shall state the date the legislation was enacted (adopted) by the Council and the effective date of the legislation.
- i) In accordance with Charter, §307, an emergency law shall take effect on the date of enactment.
- j) The annual Budget and Appropriations Ordinance shall take effect the first day of the fiscal year to which it applies; and all other laws shall take effect sixty (60) days from the date of enactment, except in the event the law provides for a later effective date or is referred to the voters under Section 308 – Referendum, of the Charter.

4-5. Bill and amendment preparation

- a) The applicable staff of the County Executive shall prepare and draft a bill for the Executive in coordination with the County Attorney.
- b) Legislation introduced by one or more Council members shall be drafted by Council staff in coordination with the Council Attorney (or the County Attorney if the Council does not have designated counsel). Bills drafted for the Council to be introduced by one or more Council members shall be forwarded to the County Executive prior to the Bill's introduction.

CHAPTER 5 CONDUCT OF BUSINESS

5-1 President to preside

The Council President presides at all meetings unless the Council President is absent or excuses him or herself.

5-2. Absence of Council President

- a) In the absence of the Council President, the Council Vice President presides at meetings.
- b) In the absence of both the Council President and the Council Vice President, a majority of the members present can designate among themselves the presiding officer.

5-3 Quorum - number required

Pursuant to the Charter, three (3) Council Members constitute a quorum for the transaction of business.

5-4. Voting by roll call

Voting on legislation is to be by roll call, except on procedural motions. The ayes and nays must be recorded in the Council Journal. Council Members must be present during the roll call vote in order to cast their vote.

5-5. Bill introduction

- a) A bill is introduced by reading its title.
- b) A bill may be introduced on any Legislative Day by any one or more Council Members.
- c) Pursuant to the Charter, the Council may reject a bill upon its introduction by an affirmative vote of at least 4 members.
- d) If a bill is not rejected upon its introduction, then the Council President must schedule a public hearing on the bill. This requirement does not apply to a bill in the form of a resolution if no law requires it; however, a public hearing may be scheduled if it would serve the public interest.
- e) The Council President may submit a bill to one or more County agencies, boards or commissions, including the Council Attorney, County Attorney, and/or Special Counsel, for comment. Such submissions are to indicate the date by which the agency, board or commission is to reply. Parties in receipt of such submissions must supply whatever information the parties believe the Council needs to evaluate the merits of the legislation.
- f) Pursuant to the Charter, within 72 hours of a bill's introduction, a copy of the bill, with notice of the date, time, and place of its public hearing, must be posted on the official bulletin board and appear on the County website or otherwise be published by electronic media. If circumstances require it, a scheduled public hearing may be postponed to a later date, provided that public notice of both the postponement and the subsequent hearing date are provided.
- g) Except for a bill in the form of a resolution or except as may be provided by the Charter in regard to emergency legislation, a bill cannot be enacted on the date of its introduction.

5-6. Public hearing required

A bill that results in a law or ordinance cannot be adopted unless it has been the subject of a public hearing.

5-7. Petition for hearing

- a) A bill that has not been scheduled for a public hearing by the Council President may at any time be the subject of a petition demanding such a hearing.

- b) A petition for a hearing may be made by motion by any Council Member. The motion is to include the date, time and place of the proposed public hearing. The motion will stand adopted by an affirmative vote of at least three (3) Council Members.

5-8. Scheduling bills for public hearing

- a) Except for emergency legislation, no bill may be scheduled to be heard sooner than three (3) weeks after its introduction.
- b) Except as provided in this Policy, if the Council President has submitted a bill to a County agency, board or commission for review, a public hearing on the bill cannot be convened until the report has been received by the Council President and distributed to the Council Members. Copies of any such reports shall be available to the public.
- c) If pursuant to this Policy an entity fails to report on a bill submitted to it, a public hearing on the bill may be commenced by an affirmative vote of at least three (3) Council Members, even in the absence of the report.

5-9 Fiscal note

The Department of Finance shall prepare a fiscal note on the effects a bill may impose on the revenues, expenditures, liabilities, or assets of the County. Such fiscal note is to be submitted to the Council President and distributed to the Council Members prior to the bill's public hearing.

5-10. Conduct of public hearings

- a) Upon convening a public hearing, the presiding officer will ask the bill sponsor, or designated staff from the Administration to give a brief explanation of the purpose of the hearing.
- b) As needed, the presiding officer may require a witness to take an oath prior to the witness giving testimony before the Council. The oath is to be as follows: "Do you solemnly declare and affirm under the penalties of perjury that the evidence you are about to give in the matter now pending shall be the truth, the whole truth, and nothing but the truth?"
- c) Any member of the Council, upon recognition by the presiding officer, may question any speaker or witness.
- d) A member may not initiate discussion or engage in debate without the consent of the presiding officer.

5-11. Bill and Resolution amendments

- a) A bill may be amended any time after its public hearing.
- b) An amendment to a bill shall embrace a single subject only and its subject shall not be different than the subject of the bill proposed for amendment.

- c) An amendment to a bill cannot be combined with one or more amendments to any other bill.
- d) A proposed amendment to a bill must be presented in writing before it may be considered for adoption.
- e) In the event a bill is amended before enactment, and the amendment or amendments constitute a substantial change of substance, the bill, as amended, shall not be enacted into law until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill.
- f) An additional public hearing is not required of an amended bill if the amendment does not alter the substance of the legislation. Such amendments may include a change in the sponsors of a bill, punctuation, grammar, spelling, formatting, errors in section numbers, incorrect references to existing law and improper capitalization, provided such changes do not substantially alter a bill's substance.
- g) Legislation that is not intended to have the effect of law (e.g., a resolution) may be amended at any time. Unless otherwise required by law, such a resolution is not required to have a public hearing before the resolution, or the resolution's amendment, is adopted by the Council. A public hearing on such a resolution may be scheduled by the Council President at his or her discretion, or shall be scheduled by the Council President with the affirmative vote of three (3) Council Members.

5-12. Final Reading of Bills (amended by Res. No. 57-2020)

- a) Only bills eligible for adoption by the Council under the applicable provisions of law, the Charter, ordinance and/or these Policies and Procedures may be scheduled for final reading.
- b) An amended bill on final reading cannot be adopted by the Council until the bill is reprinted or reproduced as amended.
- c) A bill shall stand adopted by the Council when a bill scheduled for final reading has been adopted by the Council with an affirmative vote by the required number of members.
- d) After adoption of a bill, and prior to its submission to the County Executive, if required, the Council President may correct errors in punctuation, grammar, spelling, formatting, errors in section numbers, incorrect references to existing laws, as well as improper capitalization, provided such changes do not alter a bill's substance.
- e) The Council President shall certify an adopted bill. Thereafter, and pursuant to any relevant provisions of law, the Charter, and/or ordinances, the President shall forward the certified bill to the County Executive for further consideration within ten (10) business days after adoption.

5-13. Veto overrides

- a) When a bill is vetoed by the County Executive and returned to the Council pursuant to the Charter, the presiding officer must, at the next legislative meeting of the Council, read the statement of the County Executive to the Council that provides the reasons for the veto. Said reasons are to be entered into the Council Journal.
- b) Pursuant to the Charter, not later than the next legislative meeting immediately following the receipt of any vetoed legislation, the Council may override the veto by the affirmative vote of at least four (4) Council Members.

5-14. Publication following enactment

Pursuant to the Charter, the Council must cause a fair summary 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 otherwise to be published using electronic media.

5-15. Preparation of Legislation

- a) Council members may request assistance in drafting legislation from the Council Manager.
- b) Council Manager will provide research and draft text for legislation.
- c) When Council member is satisfied with draft, legislation will be scheduled for introduction.
- d) All legislation will be reviewed by legal counsel for legal sufficiency. Counsel may suggest revisions that Council member may consider.
- e) All legislation will be numbered sequentially and given a title and synopsis for introduction.
- f) At the time of introduction, the date of public hearing, if required, date of posting, and date of consideration will be identified on the title page.
- g) Legislation will be introduced under Council member's sponsor. Other Council members can request to co-sponsor legislation.
- h) The County Executive or others in the administration may submit legislation to the Council.
- i) In the event a bill is amended before enactment, and the amendment or amendments constitute a change of substance, the bill, as amended, shall not be enacted into law until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill. (Charter Section 304(e)).

5-16. Bill and Resolution Definitions

- a) The “Law” is a statute or the entire sum of legislation, judicial precedent and accepted legal principles, the body of authoritative grounds of judicial and administrative action.
- b) In Cecil County, local “statutory authority” is comprised of the Charter, the Code of Cecil County, and certain Ordinances including the Zoning Ordinance, Subdivision Regulations, Ethics Code and Building code. These are subject to Section 304 of the Charter, which specifies that the enactment of legislation shall be by bill. The enactment of a bill requires a public hearing, and bills adopted by the Council are subject to veto by the Executive.
- c) Resolutions are less formal than bills, and generally do not carry the force of law, or amend or repeal existing Cecil County laws or statutes. Resolutions are not subject to Section 304 of the Charter.
- d) Resolutions can be used to amend or add to the Master Water & Sewer Plan, Personnel Policies and Procedures, and budget amendments. These items have shared responsibility between the Executive and Legislation Branches and are subject to veto by the Executive.
- e) Certain Resolutions are exclusively within the Council’s purview, and are not subject to veto by the Executive, such as for example the Council Policies and Procedures.
- f) The adoption of policy statements by the Council, such as a statement in opposition to a State law, is not subject to Section 304 of the Charter, and are not subject to veto by the Executive.

5-17. Process for resolutions

- a) Generally, a Resolution may be introduced in one legislative session and considered at the next legislative session.
- b) The Charter, State law, or local ordinance may require that certain Resolutions be subject to a public hearing, such as an amendment to the Master Water and Sewer Plan.
- c) When a public hearing is not required for a Resolution, the Council may determine whether a public hearing will be scheduled at the time of introduction in legislative session.
- d) At introduction, the Council may take action on a Resolution that all members agree that is straightforward and without controversy, and with a unanimous vote.
- e) Resolutions that require a public hearing or are otherwise scheduled for a public hearing at the Council’s request will be scheduled for consideration after introduction in order to provide sufficient time to publish notice of the public hearing. Such notice will generally be published one time per week for two consecutive weeks prior to the hearing.
- f) Introduction, public hearing, and consideration of all resolutions will be included in the agenda of the legislative session.

- g) Resolutions regarding the Master Water & Sewer Plan, Personnel Policies and Procedures, and budget amendments are subject to veto by Executive.
- h) Resolutions regarding policy statements, such as support or opposition to a state law, are not subject to Section 304 of the Charter, and are not therefore subject to veto by Executive.

5-18. Expedited Legislation (added by Res. No. 49-2015)

- a) At the time of introduction of legislation, a bill sponsor may request that the Council expedite a bill by providing a reason such as meeting a deadline, a cost-saving advantage to the county or similar condition.
- b) At the introduction of a bill being requested for expediting, the Council shall determine whether to treat the legislation as expedited by a supermajority; four of five Council Members must vote in favor of the expedited status.
- c) After introduction and approval of the expedited status, the legislation will be identified as "expedited" and the date of the public hearing will be scheduled four weeks from introduction and the date of consideration will be scheduled on the same date as the public hearing.
- d) After the public hearing has been concluded, the Council may consider the expedited legislation at the same legislative session, unless the majority of Council Members request to delay consideration until a later date.
- e) The effective date for expedited legislation shall be sixty calendar days after enactment.

CHAPTER 6 EXECUTIVE NOMINATIONS

6-1. Initial information

- a) The County Executive shall submit executive nominations to the Council for confirmation in a format that will include the nominee's background information and other related materials.
- b) As needed, the Council President may submit a letter to the County Executive specifying the documents, background information and other material that the Council President requests accompany Executive nominations.
- c) At the next meeting following submission of such a letter to the County Executive, the Council President must read the letter to the Council.
- d) If a nomination is made to the Council without the requested information, the presiding officer must submit the nomination to the Council at its next meeting with a motion to reject the nomination outright or reject the nomination "without prejudice," as provided in these Policies and Procedures.

6-2. Confirmation

- a) The Council may proceed in considering a nomination in any manner it deems prudent, which may include a public hearing on the nomination.
- b) When the Council is ready to consider a nomination, the Council President is to put the question to the Council as to whether the Council should confirm or reject the nomination.
- c) An affirmative vote of at least three (3) Council Members is required to confirm a nomination.
- d) Pursuant to the Charter, if the Council fails to act on a nomination within thirty (30) days after the question of nomination has been submitted to it, the nomination stands confirmed.
- e) Upon the confirmation or rejection of a nomination, the Council President must notify the County Executive as to the Council's vote.

6-3 Rejection without prejudice

- a) If, for any reason unrelated to the merit of a nomination in question, the Council is unwilling or unable to timely confirm the nomination, the Council may, by the affirmative vote of at least three (3) members, reject a nomination "without prejudice."
- b) Upon rejection under this Rule, the Council President is to immediately notify the County Executive in writing of the Council's action. The notice must state the circumstances that prevented a timely confirmation and invite the County Executive to resubmit the nomination when such circumstances are alleviated.

CHAPTER 7 REZONING CASES

7-1. Rezoning Cases

- a) The Department of Planning and Zoning will submit rezoning requests to the Council Manager.
- b) Upon receipt of a rezoning request, the Council Manager will schedule a hearing date, with such hearing to be held before the County Council at a regularly scheduled legislative session. The Council Manager will provide the Department of Planning and Zoning with notice of the date and time of the rezoning hearing.
- c) The Department of Planning and Zoning will promptly submit a staff report and recommendations, list of parties, and additional associated documentation, to the Council Manager, and the Council Manager will distribute such information to the County Council.
- d) The Department of Planning and Zoning will be responsible for causing legal notice of the rezoning request to be published in a newspaper of general circulation in Cecil County, for sending notification letters to the applicant and all adjoining property owners, with such notice to state the time, date and location of the public hearings to be held before the Planning Commission and the County Council, respectively, and a copy of the rezoning application and any supporting documents appended thereto.
- e) At the public hearing, the Council President will open the public hearing and invite the applicant to present the rezoning case. The Council President shall then ask the staff to present their report and the recommendation from staff and the Planning Commission. .
- f) Following presentation by Planning and Zoning staff, the applicant and interested property owner(s) (and/or their representative(s)) may present testimony in support of the application. Citizens, including but not limited to adjoining property owners, may then present testimony in opposition to the application.
- g) At the end of all testimony, the Council President will close the public hearing.
- h) After the public hearing is concluded, the Council may approve or deny the applicant's request at the same meeting. If a decision is not made after the public hearing, the County Council will consider the rezoning application under old business on a future legislative session. The County Council will, at that time, either approve or deny the applicant's request.
- i) After the County Council approves or denies the applicant's request, designated legal counsel will prepare a written opinion setting forth the County Council's findings of fact, applicable legal authority, and the County Council's decision. The opinion will be signed by the Council President or, if the Council President did not participate in the case, the presiding Council Person at the rezoning hearing. The opinion will be promptly mailed to the applicant and all interested parties.

APPENDIX A.

**CECIL COUNTY COUNCIL
BOARD/COMMITTEE APPOINTMENT
PERSONAL DATA SHEET**

APPOINTMENT TO: _____

NAME: _____

ADDRESS: _____

HOME PHONE: _____ CELL PHONE: _____

EMAIL: _____

EDUCATION:

OCCUPATION _____

EMPLOYER: _____

COMMUNITY INVOLVEMENT:

COUNCILMANIC DISTRICT: _____

SIGNATURE: _____ DATE: _____

APPENDIX B.

PRESENTATION REQUEST FOR PROCLAMATION or CERTIFICATE

Date: _____

Instructions: Please fill out the information below and submit to the Cecil County Council Office. Request should be submitted at least three weeks prior to the presentation date to provide enough time to schedule for the Council Member(s).

Thank you.

Request for: _____ Proclamation _____ Certificate of Recognition/Achievement

Requested Presentation Date: _____

_____ County Building at a Council Meeting

_____ Other Location: _____
(Council member(s) would travel to location) **Address**

Time of Event

Requested by:

Name Organization

Address City/State Zip

Home/Business Phone Cell Phone Email address

Information for recognition:

Name Organization

Address City/State Zip

Home/Business Phone Cell Phone Email address

Provide the details for the request (or attach information to this request):

FOR OFFICE USE: Council District:_____ Date of Presentation:_
Council Confirmed to present: _____

Presentation Confirmed w/group on:_____ by:_____

APPENDIX C.1 – RESOLUTION FORMAT – Without public hearing

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY XX-XX

RESOLUTION NO. XX-XXXX

Title of Resolution:

Synopsis: A Resolution

Introduced by:_____

Introduced on: XXXXXXXX, XX, XXXX

Scheduled for consideration on: XXXXXXXXXX, XX, XXXX

Notice and title of Resolution having been posted by _____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and consideration by the Council having been scheduled on _____.

By: _____
Council Manager

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**WHEREAS,
WHEREAS,**

NOW, THEREFORE, BE IT HEREBY RESOLVED

INTRODUCED: _____

ADOPTED: _____

President of the Council

ATTEST:

Council Manager

By the Executive:

County Executive

Date

APPENDIX C.1 – RESOLUTION FORMAT – With public hearing

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY XX-XX**

RESOLUTION NO. XX-XXXX

Title of Resolution:

Synopsis: A Resolution

Introduced by: _____

Introduced and ordered posted on: XXXXXXXX, XX, XXXX

Public hearing scheduled on: XXXXXXXX, XX, XXXX **at:** _____

Scheduled for consideration on: XXXXXXXX, XX, XXXX

PUBLIC HEARING

Notice of time and place of public hearing and title of Resolution having been posted on xxxxx xx, xxxx at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on xxxxx xx, xxxx and xxxx xx, xxxx, a public hearing was held on xxxxx xx, xxxx, and concluded on xxxxxxx xx, xxxx.

By: _____

Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING ORDINANCE.

[Brackets] indicate matter deleted from existing Ordinance.

Underlining indicates language added to a Ordinance by amendment.

~~Strike through~~ indicates language stricken out of an Ordinance by amendment.

1 **WHEREAS,**

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5 **NOW, THEREFORE, BE IT HEREBY RESOLVED**

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11 INTRODUCED: _____

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13 ADOPTED: _____

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President of the Council

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19 ATTEST:

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Council Manager

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26 By the Executive:

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County Executive

Date

APPENDIX D. Format Legislative Meeting Agenda (amended Res. No. 58-2020)



COUNTY COUNCIL OF CECIL COUNTY
County Administration Building, 200 Chesapeake Blvd.,
Elk Room, Elkton, MD 21921

LEGISLATIVE SESSION DAY (year)-(number)
Tuesday, DATE
7:00 p.m.

LEGISLATIVE AGENDA
7:00 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE OR OPENING PRAYER**
- 4. APPROVAL OF AGENDA**
- 5. PRESENTATIONS OF PROCLAMATIONS/CERTIFICATES**
- 6. PUBLIC HEARING**
- 7. APPROVAL OF MINUTES**
- 8. PUBLIC COMMENTS**
- 9. PRESIDENT AND COUNCIL COMMENTS**
- 10. SPECIAL PRESENTATIONS**
- 11. INTRODUCTION OF BILLS**
- 12. INTRODUCTION OF RESOLUTIONS**
- 13. CONSIDERATION OF RESOLUTIONS**
- 14. CALL FOR FINAL READING OF BILLS**
- 15. OLD BUSINESS**
- 16. NEW BUSINESS**
- 17. ADJOURNMENT**

Next County Council Meeting is scheduled for Tuesday, (Date) at 7:00 p.m. in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton. Individuals requiring auxiliary aids for effective communications should contact TTD through Maryland Relay Services at 1-800-735-2258. Audio file and meeting minutes are available on the Cecil County website at www.ccgov.org

APPENDIX E - BILL FORMAT

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY XXXX-XX**

BILL NO. XXXX-XX

Title of Bill:

Synopsis: An Act

Introduced by: _____

Introduced and ordered posted on: XXXXXX, XX, XXXX

Public hearing scheduled on: XXXXXXXX XX, XXXX **at:** _____

Consideration scheduled on: XXXXXXXX XX, XXXX

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by _____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on _____, a public hearing was held on _____, and concluded on _____.

By: _____
Council Manager

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates language added to a Bill by amendment.

~~Strike through~~ indicates language stricken out of a Bill by amendment.

1 **WHEREAS,**

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4 **WHEREAS,**

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6 **NOW, THEREFORE, BE IT HEREBY ENACTED** by the County Council of Cecil County, State

7 of Maryland that

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16 **EFFECTIVE DATE:** All provisions of Bill XXXX-XX shall be in full force and effect on and after _____

17 _____.

18 Charter, Section 307

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CERTIFICATION

I, HERBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and a copy was made available on the Cecil County website.

BY: Council Manager

CECIL COUNTY BILL NO: XXXX-XX

Title of Bill:

is hereby submitted to the County Council of Cecil County, Maryland for enrollment as being the text as finally passed .

CERTIFIED TRUE AND CORRECT

ENROLLED

Council Manager
Date: _____

Council President
Date: _____

BY THE COUNCIL

Read the third time.

Passed - LSD _____

Failed of Passage - LSD _____

BY: _____
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this ____ day of _____, 20____ at _____ a.m. / p.m.
(10 business days from adoption §306)

BY: _____
Council Manager

BY THE EXECUTIVE:

Cecil County Executive

APPROVED Date: _____

VETOED Date: _____
(10 business days from presentation §306)

BY THE COUNCIL

This Bill No. XXXX-XX having been approved by the Executive and returned to the Council becomes law on _____ with an effective date of _____.

BY: _____

Council Manager

APPENDIX F. Amendment Format

AMENDMENT

Bill No. or Resolution No.

Amendment No. X

Date of Introduction: XXXXXX XX, XXXX **LSD:** XX-XX

Introduced by: _____

On Page X, line XX, delete “XXXXXXXXXX” and insert “XXXXXXXX”

Motion by: _____

Second by: _____

Vote on Amendment: _____ to approve _____ to reject