

Town of Somerset
Resolution Adopting Protocol for Amendment of the Town Code

Resolution No.: 11-20-1
Introduced: 11/16/20
Adopted: 12/7/20
Effective Date: 1/14/21

WHEREAS, the Town of Somerset Charter, Section 83-9, provides in pertinent part that, “No ordinance shall be passed at the meeting at which it is introduced, nor shall it be acted upon until notice of its introduction and title has been published ... [and] At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed; or passed as amended, or rejected, or its consideration deferred to some specified future date...”; and

WHEREAS, the Town of Somerset Charter, Section 83-7, provides that, “A majority of the members elected to the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of at least three members of the council.”

WHEREAS, the Town of Somerset Charter, Section 83-8, provides in pertinent part that, “The council shall by resolution determine its own rules and order of business...”.

WHEREAS, the Town of Somerset Code, Section 5-22, provides that, “The agenda for the meetings of the Mayor and the Council shall be formulated by the Mayor, with the assistance of the Clerk-Treasurer; provided, however, that no item shall be placed on the agenda by the Mayor without the approval of the President of the Council or, if the President is not reasonably available, with the approval of the next most senior member of the Council. The Clerk-Treasurer shall circulate the agenda to all members of the Council. Any agenda item proposed in a timely manner by two Councilmembers shall be included in the agenda”; and

WHEREAS, the Town Council finds that in order to aid the Council in the discussion, introduction, and adoption of new legislation, the procedures set forth in the attached should be adopted.

WHEREAS, this Resolution was considered in open session on the 14th day of January, 2020.

NOW, THEREFORE, BE IT:

RESOLVED that, except in the case of an emergency (as defined in the attached) and except when otherwise impractical to do so based upon the circumstances, the attached protocol shall be followed for the adoption of ordinances to amend the Town of Somerset Code; and

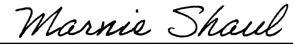
RESOLVED, that this Resolution shall be effective immediately upon adoption and shall be filed by the Clerk-Treasurer and kept available for public inspection.

ATTEST:

TOWN OF SOMERSET

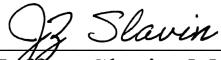


Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset



Marnie Shaul, President
Town of Somerset

Approved:



Jeffrey Slavin, Mayor
Town of Somerset

Date: 12/9/2020

Town of Somerset
Protocol for Amendment of the Town Code (December 2020)

Presentation and Discussion

1. The Mayor or a Council member may present for discussion an issue requiring potential amendment of the Town Code. Such an issue may be presented by either: (i) advance placement on the agenda of a regular or special meeting of the Town Council; (ii) the Mayor's suggestion to the Council at a meeting; or (iii) a Council member's motion made at a meeting, and approved by majority vote of the Council.

Per the Town Code, Sec. 5-22, issues can be placed on a meeting agenda by the Mayor with the approval of the President, or by the proposal of at least two Council members.

2. Following discussion of an issue, the Council may by motion direct the Town Attorney or some other person to draft an ordinance.

Notwithstanding the foregoing, either: (i) the Mayor or President, with the approval of the other; or (ii) at least three members of the Council, may direct the Town Attorney to draft an ordinance in advance of the presentation of the issue in order to aid the discussion.

Nothing in these procedures prevents the Mayor or a Council member from having a draft ordinance prepared in advance of the presentation of the issue, provided the drafting does not involve the incurring of expenses to be paid by the Town.

Introduction

3. After a draft ordinance has been prepared, it may be introduced by motion approved by majority vote of the Council. *Introduction* is the formal act of the Council approving a draft for further discussion and possible action. Per the Charter, Sec. 83-9, once an ordinance has been introduced, notice of the introduction and the ordinance's title shall be provided to Town residents.

Per State law (Md. Code, Land Use Art. Sec. 20-509), if the ordinance concerns building regulations, a copy of the ordinance shall be provided to the Montgomery County Council at least 30 days prior to adoption.

Adoption

4. After an ordinance has been introduced, it shall be placed on one or more meeting agendas for further discussion, public comment, and possible Council action. Per the Charter, Sec. 83-9, the meeting at which an ordinance is adopted shall be held not less than six (6) nor more than sixty (60) days after the meeting at which the ordinance was introduced.

Per State law (Md. Code, Land Use Art. Sec. 20-509), if the ordinance concerns building regulations, the meeting at which an ordinance is adopted shall be held no sooner than 30 days after a copy of the ordinance was given to the Montgomery County Council.

Per the Charter, Sec. 83-7 any ordinance requires favorable votes from at least three (3) Council members for adoption.

Except as required by the Town Charter and State law, these procedures may be suspended in the event of an emergency, as provided in Charter Sec. 83-9. As used herein, “emergency” means unforeseen circumstances that threaten the health, safety, and welfare of Town residents and/or property in the Town. Also, these procedures may be modified as deemed necessary by the Council based on the circumstances in order to provide additional opportunity for resident or committee input, or for such other reasons deemed appropriate by the Council.