



Maria Buehler, Chair

## CALVERT COUNTY PLANNING COMMISSION

205 Main Street  
Prince Frederick, Maryland 20678  
410-535-2348 • 301-855-1243  
Fax: 410-414-3092  
www.calvertcountymd.gov

### *Board of Commissioners*

Mark C. Cox Sr.  
Catherine M. Grasso  
Earl F. Hance  
Mike Hart  
Todd Ireland

### Contemplated Changes to By-Laws Fair Summary

October 15, 2023

#### Planning Commission Discussion Date(s):

May 17, 2023

August 30, 2023

#### Article 4, Item C:

“Regular meetings of the Planning Commission ~~shall~~ **will usually** be held...”

#### Article 4, Item L- Attendance:

Attendance: **ADD** “**Said yearly attendance records shall further include a report of the number of all abstentions and recusals made by each member during the year being reported.**”

#### Article 4, Item M- Abstentions: (NEW)

**A. Abstentions: Members abstaining from a vote shall state the reason for said abstention.**

**Abstentions from voting may only be exercised for the following reasons:**

- 1) The member was absent at a prior meeting in which the case or subject matter was presented;**
- 2) The member was unable to review/prepare sufficiently to confidently vote on the case or subject matter; or**
- 3) The member cannot fully comprehend or understand the issues involved in the case or subject matter and thus cannot confidently vote on said case or subject matter.**

# PLANNING COMMISSION OF CALVERT COUNTY

## By-Laws

### ARTICLE I

#### AUTHORITY

The jurisdiction, authority, duties, appointment, terms, removal, replacement of members, and compensation of the Planning Commission shall be as defined in the *Land Use Article* of the Annotated Code of Maryland.

### ARTICLE II

#### OFFICERS

- A. The Chairperson shall be elected annually, at the Annual Meeting in May, for a one-year term. The Chairperson is eligible for reelection subject to the condition that he/she shall serve not more than two (2) consecutive full or partial terms as a Chairperson. The Chairperson shall preside at all meetings of the Planning Commission, sign all appropriate documents and represent the Planning Commission before legislative, administrative and regulatory bodies.
- B. The Vice-Chairperson shall be elected annually, at the Annual Meeting in May, for a one-year term. The Vice-Chairperson is eligible for reelection subject to the condition that he/she shall serve not more than two (2) consecutive full or partial terms as a Vice-Chairperson. The Vice-Chairperson shall, in the absence of the Chairperson, assume all duties of the Chairperson.
- C. The Secretary of the Planning Commission shall be the Planning Commission Administrator or, in the event of the absence of the Planning Commission Administrator, such Acting Planning Commission Administrator as may be designated by the Director of the Department of Planning & Zoning. The Secretary shall ensure that all official instruments of the Planning Commission, proceedings of hearings and meetings and the minutes, if required, of hearings and meetings shall be properly prepared. The Secretary shall, in consultation with the Chairperson, prepare the agenda for the meetings of the Planning Commission. The Secretary or the Chairperson shall sign all appropriate

documents of the Commission and shall ensure the proper indexing of all Planning Commission documents as public records.

- D. The Clerk of the Planning Commission shall be responsible for providing administrative support and shall prepare agendas, summary of actions, ascertain that all public notices for meetings are completed and distributed properly, including additional items as assigned. The Clerk shall also be responsible for the timely coordination and communication of information to the public as legally required.
- E. If there is a vacancy in the office of Chairperson, the Vice-Chairperson will become the Chairperson. At the next regular meeting there will be a special election for the next Vice-Chairperson.
- F. If there is a vacancy in the office of Vice-Chairperson, and the Chairperson is still in-place, there will be a special election for the position of Vice-Chairperson at the next regular meeting.
- G. Should both the Chairperson and Vice-Chairperson be absent from a duly constituted regular or special meeting at which a quorum is present, the attending members shall choose from among their number a temporary Chairperson who shall be designated Chair Pro Tem.

### **ARTICLE III**

#### **QUORUM**

A quorum for a meeting is the number of members who must be present in order for business to be legally transacted. Attendance here refers to Planning Commissioners attending the meeting or hearing, either in- person or through electronic means. For the Planning Commission, four (4) members in attendance shall constitute a quorum. A quorum refers to the number attending, not the number voting.

### **ARTICLE IV**

#### **MEETING AND HEARINGS**

- A. The Planning Commission may adopt rules or guidelines for conduct at public hearings and meetings.
- B. The Planning Commission should hold at least one regular meeting every month, and may schedule one or more special meetings, public hearings, or work sessions each month.

- C. Regular meetings of the Planning Commission will usually be held on the third Wednesday of each month. These meetings shall be open to public attendance, except for any session lawfully closed to the public, in whole or in part. Attendance here refers to in-person or through electronic means.
- D. Annual Meeting: The Planning Commission shall meet annually in May during a regular or special meeting to review the year's work and the progress that has been made on implementation of the Comprehensive Plan and to elect a Chairperson and Vice-Chairperson. This shall be known as the Annual Meeting.
- E. Minutes of hearings and meetings shall be maintained as required pursuant to MD. CODE ANN., GEN. PROV. § 3-306. However, minutes of any open session need not be prepared if live and archived video or audio streaming of said open session is available. The production of a Summary of Actions shall be an acceptable alternative.
- F. Special meetings of the Commission may be called by the Chairperson or by any two members upon written request to the Chairperson. Notice of a special meeting shall be given in accordance with the Maryland Open Meetings Act, as amended from time to time.
- G. Emergency meetings may be held in the event of an emergency as set forth in the Maryland Open Meetings Act, as amended from time to time. Such meetings shall be called by the Chairperson. The Planning Commission Administrator, or designee, shall poll all Planning Commission members individually to determine assent or dissent of the Chairperson's request. Such meetings shall be open to public attendance either in-person or through a pre-determined electronic means. A Summary of Actions of such meetings shall be maintained and carry the specific justification for such meetings.
- H. In accordance with Calvert County Ordinance No. 51-21, the Chairperson shall allow Public Comment at all open session agendas.
- I. The agenda of any meeting shall be prepared in advance, posted in a regular place, and be made available to the public as provided in the Maryland Open Meetings Act, as amended from time to time.
- J. The Planning Commission may deliberate and take action at any meeting or hearing.
- K. Subject to recusal for conflicts of interest, the Chairperson is eligible to vote on all motions.
- L. Attendance: The yearly attendance records of members of the Planning Commission shall be submitted to the Board of County Commissioners one

month following the Annual Meeting. Said yearly attendance records shall further include a report of the number of all abstentions and recusals made by each member during the year being reported.

M. Abstentions: Members abstaining from a vote shall state the reason for said abstention. Abstentions from voting may only be exercised for the following reasons:

- 1) The member was absent at a prior meeting in which the case or subject matter was presented;
- 2) The member was unable to review/prepare sufficiently to confidently vote on the case or subject matter; or
- 3) The member cannot fully comprehend or understand the issues involved in the case or subject matter and thus cannot confidently vote on said case or subject matter.

## **ARTICLE V**

### **ORDER OF BUSINESS**

The Order of Business at regular meetings shall be in accordance with the Planning Commission's Rules of Procedure, as amended from time to time. Notwithstanding, the Planning Commission shall retain the right to modify the Order of Business for reasonable cause, as determined at the discretion of the Planning Commission. Any modification to the Order of Business shall be approved by a majority vote of the Planning Commission.

## **ARTICLE VI**

### **CONFLICT OF INTEREST**

The Planning Commission follows and shall be bound by the Calvert County Ethics Ordinance, as amended from time to time. Any member shall recuse him/herself on any vote on which he/she has a conflict of interest. Any member may recuse him/herself on any vote on which it might be perceived he/she has a conflict of interest. The reason for such recusal need not be stated.

## **ARTICLE VII**

### **PROCEDURES**

Any procedural matter in the conduct of business not covered in these by-laws shall be conducted in accordance with: all applicable laws, the Planning Commission's RULES

OF PROCEDURE, RULES OF PROCEDURE FOR CONTESTED CASES, and ROBERT’S RULES OF ORDER.

**ARTICLE VIII**  
**AMENDMENTS**

The adoption of these By-Laws shall require an affirmative vote of two-thirds or more of the members of the Planning Commission after, at least: 1) a 30-day public notice period; and, 2) after written notice has been sent to all members of the Planning Commission. Approval by the Calvert County Board of County Commissioners is required.

These By-Laws shall be amended by an affirmative vote of two-thirds or more of the members of the Planning Commission after, at least: 1) a 30-day public notice period where the notice contains a fair summary of the proposed amendment(s); and, 2) after written notice has been sent to all members of the Planning Commission. Approval by the Calvert County Board of County Commissioners shall be required.

Affirmed: \_\_\_\_\_, 2023

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MARIA BUEHLER,  
Chairperson, Planning Commission

ATTEST:

Approved for Form and Legal  
Sufficiency:

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TAMARA BLAKE-WALLACE  
Secretary

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JOHN MATTINGLY  
Planning Commission Attorney

APPROVED:

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**EARL F. HANCE**  
President, Board of County Commissioners for  
Calvert County, Maryland