

Critical Area Commission

STAFF REPORT **December 18, 2024**

PROPOSAL: Critical Area Commission By-Laws

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval

STAFF: Katherine Charbonneau

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article 8-1801 et seq.

DISCUSSION:

The Chair is seeking a motion to amend the By-Laws of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bay. The By-Laws were originally adopted on December 5, 1984 and amended on October 7, 1988. This proposed update is intended to reflect changes to the Critical Area law and clarify existing procedures.

The following updates were made to the document:

- The name of the Commission was updated to reflect the Atlantic Coastal Bays.
- The number of members of the Commission was updated to 29.
- The ability of ex-officio members to designate an alternate for purposes of voting was clarified.
- A reference to 60% attendance requirement was added.
- The term ‘Chairman’ was updated to ‘Chair’.
- The 1988 amendment was incorporated into the text to clarify a quorum of the Commission and a quorum of a Panel.
- The ability of the Chair to designate a Committee Chair and a Committee Co-Chair for any committee was clarified.

This update otherwise maintains the historical practice of detailing meeting procedures in separate policies formally adopted by the Commission. Attached to this staff report is a red-lined version of the By-Laws and a clean copy of the updated By-Laws.

BY-LAWS OF THE ~~CHESAPEAKE BAY~~ CRITICAL AREA COMMISSION of the CHESAPEAKE AND ATLANTIC COASTAL BAYS

Approved December 5, 1984

Amended December 18, 2024

ARTICLE I. NAME AND PURPOSE

The name and purpose of the Critical Area Commission (the Commission) are set forth in Natural Resources Article, ~~Section~~Sections 8-1801 through 8-~~4816~~1817 of the Annotated Code of Maryland (~~Chapter 794, Laws of 1984~~).

ARTICLE II. MEMBERSHIP, TERM, VOTING

The Commission is composed of those ~~2529~~ members provided for in Natural Resources Article, Section 8-1804. The term of appointments is as stated in the Natural Resources Article, Section 8-1804 ~~and Section 2 of Chapter 794, Laws of 1984. A. Each member is entitled to one vote on matters before the Commission.~~

~~An alternate for ex-officio members may appoint a designee be designated for the purpose of attending meetings in the ex-officio member's absence. The designation shall be made in writing to the Chairman. Designees shall not have voting rights. Each member is entitled to one vote on matters before the Commission. Chair.~~

Subject to Section 8-1804 of the Natural Resources Article, a member of the Commission appointed by the Governor must attend at least 60% of the meetings of the Commission.

ARTICLE III. OFFICERS, METHODS OF SELECTION, TERMS OF OFFICE

The ~~Chairman~~Chair is appointed by the Governor as provided for in Natural Resources Article, Section 8-1804(a). The ~~Chairman~~Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage of such office. The ~~Chairman~~Chair may designate another member of the Commission to assume the powers and duties of the ~~Chairman~~Chair during the absence or incapacity of the ~~Chairman~~Chair.

ARTICLE IV. MEETINGS

Meetings of the Commission shall be held at the call of, and at the time and place specified by the ~~Chairman~~Chair. Except in the event of an emergency requiring immediate action, the ~~Chairman~~Chair shall give each member at least ten (10) days advance notice of any meetings.

The ~~Chairman~~Chair shall call a special meeting when requested to do so by at least five (5) members of the Commission or as specified in Section 8-1812(a) of the Natural Resources Article.

The Commission is subject to the State's Open Meetings ~~Law~~Act (General Provisions Article, Title 3, Annotated Code of Maryland). Written notice shall be prepared for all of its meetings. The minutes and other files and records of the Commission are subject to the ~~State's~~State's Public Information ~~Law~~Act (General Provisions Article ~~76A, Subsection 1 et. seq.~~, Title 4, Annotated Code of Maryland~~).~~

~~Roberts~~Robert's Rules of Order, current edition, shall govern the meetings and hearings of the Commission and to all other cases to which they are applicable and in which they are not inconsistent with the Natural Resources Article, 8-1801 et seq., by-laws and rules of procedure.

ARTICLE V. QUORUM ~~TO CONVENE~~ AND VOTE REQUIRED FOR COMMISSION ACTION

~~A~~Per Natural Resources Article 8-1804, a quorum shall be one member more than a majority of ~~all the voting members.~~full authorized membership of the Commission. The Commission may not take any official action unless a quorum is present. On all issues, other than amendment of the by-laws, a simple majority of the voting members shall decide the question.

ARTICLE VI. QUORUM OF A PANEL

A panel of the Commission is five members. A quorum of a panel of the Commission shall be three members. A panel may not hold a public hearing unless a quorum is present, nor may the panel take any official action unless a quorum is present and a majority of the members present and eligible to vote concur in or vote for the action.

ARTICLE VI. FUNDING, STAFF SUPPORT

The Commission shall have staff as provided in Natural Resources Article, Section 8-1805.

ARTICLE VII. COMMITTEES

The ~~Chairman~~Chair may appoint from among the members of the Commission such committees as the ~~Chairman~~Chair feels are necessary to properly conduct the business of the Commission and to perform the tasks assigned to the Commission. The Chair shall designate a Chair and Co-Chair of each Committee.

ARTICLE VIII. AMENDMENTS

These by-laws may be amended by an affirmative vote of two-thirds (2/3) of the Commission, except that they may not be amended in any way that would render them inconsistent with Subtitle 18, Natural Resources Article. Proposed amendments shall be mailed~~provided~~ to Commission members at least two weeks in advance of the meeting at which action is to be taken.

ARTICLE IX. PRESERVATION

These by-laws, upon approval of the Commission, shall be appended to and become a part of the minutes of the Commission and shall remain in effect until rescinded or amended. The Executive Director of the Commission shall ~~provided of the printing of copies of the by-laws and shall provide each member of the Commission with a copy thereof, maintain a printed copy of the by-laws.~~

**BY-LAWS OF THE CRITICAL AREA COMMISSION of the
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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An alternate for ex-officio members may be designated for the purpose of attending meetings in the ex-officio member's absence. The designation shall be made in writing to the Chair.

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