

Citizen Boards, Commissions and Committees

Maryland's municipalities have the authority to establish advisory boards, commissions, and committees through Article 23A, Section 2 of the *Annotated Code of Maryland*. In addition, a municipal charter may include the general power to create boards, commissions, and committees. In Article 66B of the *Annotated Code*, the state government authorizes the creation of certain committees such as the Planning Board, Board of Appeals, and Historic District Commission. Other boards, commissions, and committees, such as the Senior Citizens Housing Advisory Committee, are created by municipal ordinance or resolution, or they are appointed by the mayor and council.

Most local governments have committees that oversee and advise in a number of functional and policy areas such as planning, housing, human relations, ethics, transportation, economic development, and public safety. A citizen committee may be called a board, commission, or committee, depending on its function. However, the terminology used is often a matter of local preference.

Boards. A board is a formal committee with structure, duties, and powers established by ordinance. A board usually performs a quasi-judicial or adjudicative function such as licensing or regulation. For example, the Board of Appeals is an adjudicative committee that hears and decides appeals to the zoning ordinance. A Personnel Appeal Board is an adjudicative committee that hears city personnel management grievances and renders a binding decision on each case.

Commissions. Commissions are formal, standing Committees with structure, duties, and powers established by ordinance. A commission often has an administrative or functional responsibility, such as performing a review of economic development or preparing a land use plan. The Housing Commission, for example, may study the community's supply of low to moderate income housing and administer a program to supplement the housing supply.

Committees. A committee is advisory in nature and can be either a formal (standing) committee established by ordinance or resolution, or an informal (ad hoc) committee created by the mayor and council. The committee may oversee and advise in service areas, such as housing or transportation, or it may advise the mayor and council on issues and recommend policy. A Downtown Development Committee, for instance, would advise the mayor and council on commercial development in the downtown area. An ad hoc committee is sometimes called a task force to emphasize its temporary nature. A municipality may create a Gypsy Moth Committee, for instance, to advise the town on how to deal with a seasonal gypsy moth infestation.

Thus, a committee can be a continuing body created formally by ordinance or resolution or it may be a group appointed by the mayor and/or council to advise them on a temporary basis. These distinctions between board, commission, and committee notwithstanding, the term used is often strictly a matter of local preference and custom. For the purposes of this chapter, the term "committee" henceforth is used generically to refer to boards, commissions, and committees.

Uses of Committees. While committees may perform different functions, in general, they can be an effective way of involving citizens in the decision-making process of local government. The citizens who volunteer to serve on committees bring diverse skills and talents, new perspectives and, often, a strong interest in subject matter to their task.

In addition to involving citizens in local government, mayors and councils find a number of uses for committees. The committee is an effective sounding board for new policies and programs. It can react to mayor and council proposals and give them an immediate sense of community reaction.

A municipality can use a committee to dilute opposition to a particular program. Committee support may suggest that the program has popular support, or a committee may give the program the status of

association with prestigious local citizens. For example, a blue-ribbon committee may recommend a location for government subsidized, low-income housing. The community may accept more readily the recommendation of the blue-ribbon committee than a decision announced by the mayor and council. The prestige of the town citizens serving on the committee lends legitimacy to the committee's recommendations.

Committee Procedures. A formal (standing) committee may adopt rules of procedure, such as bylaws, for its internal organization. Bylaws generally define procedures for the selection of committee officers, set limits on absenteeism, set quorum requirements, and define procedures to fill a vacancy should one occur. Bylaws may also specify the use of parliamentary procedure according to *Robert's Rules of Order* in conducting committee business. Adjudicative committees are formal committees that have formal rules of procedure. These rules adhere to legal standards of due process and are usually determined by statute or regulation.

The ad hoc committee operates informally and is usually appointed to serve in an advisory capacity. For example, the mayor and council may appoint a Cable Television Committee to advise them in selecting a cable franchise. Once the municipality chooses a franchise, the committee may be dissolved. These committees are more flexible because they do not require the structure, organization, and rules of procedure appropriate for standing committees. However, appointment to an informal committee may lack the prestige and visibility of appointment to a formal committee.

Guidelines for Effective Committees. Committees can be most useful to the mayor and council and to the general public if they follow certain guidelines. Primarily, the committee should have a clearly written mission statement which describes the function the municipality expects the committee to perform. The mission statement should be included in the ordinance that creates the committee and should define the committee's goals, responsibilities, and legal obligations. The ordinance for a standing committee should also define the number of members, terms of office, and criteria for membership (if any).

A number of other factors, such as attendance, member vacancies, and committee budget, directly affect a committee's productivity. A municipality with several committees may find it advisable to adopt a general policy on boards, commissions, and committees which addresses these issues. The policy should consider the following:

- the method of appointing members to the committee
- the method of appointing members to the committee representation (how representative committee members are of the community at large, if this is important)
- rules of procedure
- attendance requirements
- how vacancies on the committee are filled
- terms of office for members
- staffing (should the municipality assign a town staff member to provide support)
- budget
- compensation (should the town pay committee members for their time)
- reimbursable expenses
- open meeting and reporting requirements.

Appointments. When appointing citizens to committees, the municipality should have guidelines for advertising the position and a process for selecting an applicant who meets the criteria for the committee, if there is stated criteria. The criteria may or may not be highly selective. Some committees require only that its members reside in the municipality and demonstrate an interest in the committee subject matter. However, committees charged with oversight or licensing responsibilities may be required to include persons with special expertise. For example, a Neighborhood Health Services Board should include members who possess some medical expertise or public health training.

Representation. The principle of equity suggests that committee membership be representative of the community at large in terms of sex, race, ethnicity, and geography. A committee such as the Public Education Advisory Committee or the Open Space Citizens Task Force should represent the community at large. However, important exceptions to this goal are those committees that require special expertise of their members, such as a Building Code Board of Appeals.

Rules of Procedure. Rules of procedure provide guidelines to keep the committee discussion running smoothly, guarantee everyone an opportunity to be heard, and provide a method of decision making. Bylaws may specify the use of parliamentary procedure as defined in *Robert's Rules of Order*. Parliamentary procedure is particularly useful for large committees. Smaller committees may operate with a few simple agreed-upon rules.

Attendance. Requiring attendance is a method of keeping members active and keeping the committee productive. For example, if a committee meets monthly, it is common to limit absenteeism to a maximum of three or four meetings per year. If the committee does not enforce this rule, it can become a group of inactive members who rely on a handful of active members to do the work of the whole. However, persistent absenteeism may be a symptom of a serious committee problem, such as lack of leadership or undefined purpose, which needs attention.

Vacancies. The mayor and council should act quickly to replace a vacancy on a committee, lest the committee lose momentum and become inactive. An excessive number of vacancies on a committee may render a committee incapable of taking action because a quorum is lacking.

Terms of Office. Attention has been focused on the advantages of limiting the length and number of terms which members should be allowed to serve on committees. The advantage of limiting terms is that it provides the opportunity to keep the committee representative of the community and avoids over-representation of interest groups. The disadvantage of limiting the number of terms is that the committee members having the most experience will be lost when their term expires. Using staggered terms is a way to ensure that members with new ideas and perspectives are on the committee and to provide the committee with an institutional history.

Staffing. The municipality may provide staff support for a committee through a related department. For example, the Planning and Zoning Commission may receive staff support from the Planning Office. The municipality may need to have a policy which defines the relationship between the committees and the town personnel assigned to serve the committee in order to clarify roles and responsibilities. Committee members need to understand what demands and requests they may reasonably make of town personnel so that they do not interfere with a staff person's primary responsibilities.

Budget. A municipality may provide the committee with operating funds to pay for telephone use, mailing costs, travel, training and conferences, and, in certain cases, compensation of members. A general town policy on committee expenses incurred in the line of duty will prevent misunderstanding on the subject.

Compensation. Compensation is payment for services rendered as a committee member. A municipality may have a compensation policy that defines which committees are to be compensated. The policy should

also establish rates of compensation for those committees. In practice, local government policies for compensating committee members vary greatly. Most committee members serve without compensation; however, some members receive compensation, usually those on adjudicative committees. An adjudicative committee such as a Zoning Board of Appeals requires long hours of its members and the result of its efforts is to reduce the burden on the court system. Therefore, municipalities usually compensate members of these committees for the time they spend in meetings.

Advisory committee members are not usually compensated. One way to reward volunteers is to give them formal recognition, such as a certificate or plaque, in lieu of compensation. The hours that volunteers spend in labor for the community save the town large amounts of money. Periodic recognition of these efforts also serves to publicize their work and attract other citizens to do service for their community.

Reimbursable Expenses. Reimbursable expenses may include mileage, parking fees, trips, meals, training, day care, and others. Local governments vary on their policy of reimbursing the expenses of committee members. Generally, the city reimburses members for necessary expenses incurred in the performance of a committee function.

Reporting Requirements. Committees communicate with governing bodies and with the public as part of their responsibility to be accountable and as part of their mission to advise and to educate. Committees usually communicate with the governing body and the public by means of written reports, public hearings, and oral communication. In this way, they educate the public and local government officials about the issues they address.

The Maryland Open Meetings Act also requires all public bodies to keep written minutes of their meetings. These minutes are public record and shall be accessible to the public.

Committee Teamwork. Volunteer committees, despite their good intentions, often founder for lack of direction, lack of appropriate structure and organization, and lack of committee management skills. The above guidelines address the problems of structure and organization. However, committee management/teamwork skills also play an important part in committee productivity. These skills include goal-setting, agenda-setting, time management, and conflict resolution and are important techniques for committee members to learn. An orientation for new committee members is a good method of introducing these techniques.