

Sussex



County

RULES OF PROCEDURE OF THE COUNTY COUNCIL
OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del. C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.



Rule 1 – Order of Business

- 1.1 The order of business at each regular meeting of the County Council shall be as follows:**

**Invocation
Pledge of Allegiance
Call to Order
Amendments to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Public Comments
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Council Members' Comments
Recess
Additional Public Hearings
Adjournment**

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.**
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.**
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.**

Rule 2 – Meetings of the County Council

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.**
- 2.2 Regular business meetings shall convene on Tuesdays.**

- 2.3** Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4** Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.
- 2.5** Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6** Except for executive sessions, all meetings shall be open to the public.
- 2.7** On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8** A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9** Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10** Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1** Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2** Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3** Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.

- 3.4** Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5** Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.
- 3.6** When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1** The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2** The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3** During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 4A. – Consent Agenda

- 4A.1** The County Administrator or any member of the County Council may propose only Wastewater Agreements to be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.
- 4A.2** An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.**
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.**
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.**
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.**
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.**
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.**

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.**
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.**

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.**

Rule 8 – Minutes of Sussex County Council Meetings

- 8.1** Minutes shall be taken of each meeting of the County Council, and shall reflect the following:
- a.** Kind of meeting.
 - b.** Date and place of meeting.
 - c.** Name of the presiding officer.
 - d.** Members of County Council present.
 - e.** Whether the minutes of the previous meeting were approved.
 - f.** The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.
 - g.** All motions voted upon and the results of said motions.
 - h.** Names of members of County Council making motions and those making secondary motions.
 - i.** A record by individual members of County Council, of each vote taken and action agreed upon.
 - j.** Time of convention and adjournment.
- 8.2** Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.
- 8.3** Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

- 9.1** The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 – Ordinances in General

- 10.1** Any member of the County Council may request a staff member or a County Council retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.8** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.

- 10.9** Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 10A – Change of Zone and Conditional Use Ordinances

- 10A.1** In the event the Planning and Zoning Commission has not provided its recommendation report to the County Council prior to the County Council’s hearing on a change of zone or conditional use application, the County Council shall accept and consider written comments only from the public on the Planning and Zoning Commission’s recommendations to the County Council for a period of 5 calendar days following the Planning and Zoning Commission’s issuance of its recommendations. This does not preclude the County Council from requesting additional information as otherwise permitted.
- 10A.2** The Rules of Procedure for County Council Zoning Hearings, as approved by the County Council, shall be announced prior to the commencement of the zoning hearings.
- 10A.3** Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council’s public hearing on the application, the matter may be placed on the agenda by the President.
- 10A.4** If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant’s control.

Rule 11 – Resolutions

- 11.1** All resolutions shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2** Any member of the County Council may request that a resolution be placed on the County Council agenda by submission of the resolution to the County Administrator, in accordance with Rule 4.
- 11.3** No resolution shall contain more than one subject which shall be clearly expressed in its title.
- 11.4** Each resolution shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution may be read by title only.

- 11.5 A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 12 – Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2 No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.
- 12.4 A member of County Council may not, directly or indirectly, by any form of words or conduct, impute to another member any conduct or motive unworthy or unbecoming a member. Provided, however, that this shall not apply to a complaint or request for an advisory opinion made to the State Public Integrity Commission as permitted under Title 29, Chapter 58, Subchapter I of the Delaware Code and Rule 20 herein.

Rule 13 – Change or Suspension of Rules

- 13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON’S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1** In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 – Appointments

- 16.1** The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2** A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment

- 16A.1** All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.
- 16A.2** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the nominee’s resume during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.
- 16A.3** With respect to reappointment of board members, the Councilperson in whose district a board member’s term is set to expire shall provide notice of the Councilperson’s intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall place the matter on the Council’s agenda for public session at an upcoming Council meeting.

- 16.A.4** With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.
- 16.A.5** In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1** Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2** Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3** The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4** Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5** Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6** The right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A.** Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address within the County. Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.

- B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.
- C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.
- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Public Comment is not included on the agenda.

Rule 18 – Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 – Adoption and Effective Date

- 19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.

Rule 20 – Code of Conduct

- 20.1** Members of the County Council are subject to the Code of Conduct under Title 29, Chapter 58, Subchapter I of the Delaware Code and the oversight of the State Public Integrity Commission.
- 20.2** A member of the County Council who has a personal or private interest in an ordinance or any measure requiring Council’s consideration shall not participate in the hearing, discussion, debate or vote on the ordinance or measure.

Date of Adoption: January 3, 2023