

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**May 4, 2021
Legislative Session Day**

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**CODE HOME RULE
BILL NO. 8-2021**

INTRODUCED BY: P. Thomas Mason, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 172, Agriculture Advisory Commission, of the Code of Public Laws of Kent County, Maryland, by amending the text to change the appointment requirements, revise the process for filling vacancies, clarify the functions of the Commission and its required reporting, and identify procedures related to recusal, quorum, and the efficacy of voting in different scenarios.

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND**


P. Thomas Mason, President

INTRODUCED, read first time, May 4, 2021, ordered posted and public hearing scheduled May 18, 2021, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:


Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on May 18, 2021. Reported favorably [with] ~~[without]~~ amendments; read a second time and ordered to be considered on June 1, 2021, a legislative session day.

BILL NO. 8-2021

CAPITALS AND BOLD INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

A BILL ENTITLED CHR 8-2021 AGRICULTURAL ADVISORY COMMISSION

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that Part III, Land Use Legislation, Chapter 172 the Code of Public Laws of Kent County is hereby amended as follows:

CHAPTER 172

AGRICULTURE ADVISORY COMMISSION

§ 172-1 Appointments; residency requirements; vacancies; term.

A. The Board of County Commissioners of Kent County shall appoint a seven-member commission which shall be known as the "Kent County Agriculture Advisory Commission" and which ~~shall~~ **MAY** consist of ~~a representativeS from each election district~~ **VARIOUS TYPES OF FARMS (FARMING SECTORS) AND FARM-SUPPORTIVE BUSINESSES** of Kent County. All persons appointed must be residents of Kent County and must be ~~actively~~ engaged in an agriculture pursuit **IN A BUSINESS THAT SUPPORTS FARMS, FARMING, OR THE AGRICULTURAL SECTOR IN GENERAL, AT THE DISCRETION OF THE BOARD.** ~~The Commission may be selected from a list containing at least two (2) names of persons living in each election district prepared by the existing Kent County Agriculture Advisory Committee.~~

B. If any vacancy occurs for any cause during the term of any Commission member, the Board of County Commissioners, with regard to those persons in agriculture, may fill the vacancy ~~from a list of at least two (2) names supplied by the Commission from the election district where the former Commission member lived.~~ The Board of County Commissioners shall have full power to remove any member of the Commission for incompetency or for improper conduct or for an inexcusable nonattendance of meetings, by satisfactory evidence being presented to it of such condition. The term of each member shall be three (3) years or until ~~his~~ **A** successor takes office; ~~except the respective terms of the members just appointed shall be on a staggered basis, with some members being appointed for one (1) year, some two (2) years and some three (3) years, AS NEEDED FOR STAGGERING.~~ ~~No member shall serve more than two (2) consecutive terms.~~

C. FOR THE PURPOSES OF THIS CHAPTER 172, "ENGAGED" SHALL MEAN PURSUING THE PRODUCTION OF AGRICULTURAL PRODUCTS FOR PROFIT INCLUDING BUT NOT LIMITED TO THOSE WHO ARE LESSORS OR LESSEES OF LAND WHICH IS IN AGRICULTURAL PRODUCTION.

§ 172-2 Chairman; records to be kept.

A. The Commission shall elect a Chairman from one (1) of its members and create and fill such other offices as it may determine. The term of the chairman shall be one (1) year with eligibility for reelection.

BILL NO. 8-2021, as amended by interlineation, indicated by ~~double strike through~~ and **UNDERLINING, CAPITALS AND BOLD** to indicate further amendment to the BILL; 2 of 4 **CAPITALS AND BOLD** alone indicate matter added to the existing law, as introduced; ~~Single strike through~~ indicates all matter deleted from existing law in the introduced BILL.

B. The Commission shall ~~hold a minimum of nine (9) meetings per year;~~ shall adopt rules for the transaction of business and shall keep records of its resolutions, transactions, findings, and determinations. Each record shall be a public record. The Board of County Commissioners shall determine from year to year what, if any, expenses and/or salaries shall be paid the Commission members, and what, if any, budget shall be set.

§ 172-3 Function of Commission.

A. It shall be the function of the Commission to provide advice to the Planning Commission of Kent County and to the Board of County Commissioners concerning any proposals and zoning changes coming before them affecting agriculture in Kent County. In this regard, the Planning ~~Administrator~~ **DEPARTMENT** shall notify the Commission of all such proposals, plans and changes, except those applications for permitted uses, within **APPROXIMATELY** fifteen (15) days of receipt of **REQUESTS AND** applications ~~for such proposals, plans and changes; and t.~~ The Commission shall render its advice in writing to the appropriate body within ~~thirty (30) days of notification~~ **A REASONABLE TIMEFRAME.**

B. Additionally, the Commission shall recommend proposed changes or programs for improving the Comprehensive Plan, the Zoning Ordinance for Kent County, the Subdivision Ordinance for Kent County, zoning district changes and any other changes and programs which will improve and promote agriculture in Kent County. All such recommendations shall be made in writing to the Planning Commission and the Board of County Commissioners.

§ 172-4 Report; review of Commission.

The Commission shall ~~annually~~ prepare, adopt, and file a report with the Board of County Commissioners **WHEN REQUESTED.** The ~~annual~~ report shall be available for public inspection. The Commission shall be subject to review by the Board of County Commissioners and the decisions of the Commission shall be subject to review by the Board of County Commissioners, which shall be the final authority.

§ 172-5 Quorum.

A majority of all the members appointed to the Commission shall constitute a quorum at any regular or special meeting of the Commission. **IF ANY MEMBERS RECUSE THEMSELVES FOR SPECIFIC ITEMS AND/OR VOTES, THE REMAINING MEMBERS SHALL BE CONSIDERED A VALID QUORUM FOR THE PURPOSES OF CONDUCTING BUSINESS ON SAID ITEMS AND/OR VOTES. IN THE EVENT THAT ONLY ONE MEMBER IS AVAILABLE TO VOTE ON AN ITEM, THIS CAN BE CONSIDERED A VALID VOTE BY THE COMMISSION, AS LONG AS A QUORUM OF MEMBERS ARE PRESENT AT THE MEETING. THE COMMISSION SHALL ONLY MEET AS NEEDED.**

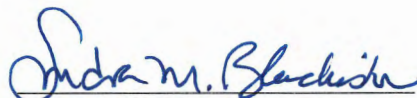
BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 30th day of July 2021 _____

Read Third Time June 15, 2021 _____

PASSED this 15th day of June 2021 _____


Failed of Passage _____

By order of:

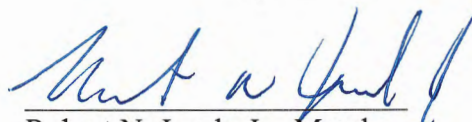

Sondra M. Blackiston, Clerk



THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


P. Thomas Mason, President


Ronald H. Fithian, Member


Robert N. Jacob, Jr., Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four-week period.

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