

PROCEDURES of the ENERGY AND SUSTAINABILITY COMMISSION  
(Adopted from the Commission Procedures)

**SECOND DRAFT September 17, 2008**

**1. Role of the Chair**

The chair shall preside at all meetings of the Commission. The chair shall preserve order and decorum among the Commission members and is responsible for the conduct of all meetings in compliance with the rules of the Commission. The chair may at any time make such rules as the chair deems proper to preserve order among the spectators in the Commission chambers during sessions of the Commission.

The chair may speak to points of order in preference to other members and shall decide on all points of order, subject to appeal to the Commission by a motion duly seconded as herein provided. The chair may at any time call any member to the chair during any meeting, such substitution to discontinue when the chair elects to resume the chair, and in no event beyond adjournment of the meeting at which such substitution is made.

The chair has the right to vote on all motions and resolutions.

**2. Role of the Deputy Chair**

The Commission shall elect one Commission member as deputy chair. In the temporary absence or disability of the chair, the deputy chair shall exercise all the powers of the chair and may also vote.

**3. Role of the Recorder**

The recorder shall take the minutes of the meeting, distribute the draft minutes to the chair, distribute the minutes to the Commissioners, and give the approved minutes to the Borough Clerk. The Recorder shall also notify the Clerk of the next meeting date and time and arrange for a meeting place.

#### **4. Order of business.**

The Commission shall establish an agenda format to address the appropriate order of business. The format may vary according to the needs of the meeting. The following order of business shall be in general use:

- A. Call to order;
- B. Roll call;
- C. Approval of agenda/consent agenda;
- D. Minutes of previous meeting;
- E. Audience participation/appearance requests;
- F. Chair, Commissioners, and Assembly Liaison reports;
- G. Coordinator Report
- H. Subcommittee reports;
- I. Old business;
- J. New business;
- K. Set committee meeting dates;
- L. Commissioners' comments;
- M. Adjournment.

#### **5. Work Sessions.**

Any matter to be considered by the Commission in work sessions shall be listed in agenda form by the clerk and be given to the Commission at least 48 hours prior to said work session. Any written material for the Commission's use during the work session shall be furnished by the clerk to the Commission, chair, or other person as directed by the chair. Reasonable public notice for work sessions of the Commission shall be given.

#### **6. Minutes.**

Minutes of all meetings shall be taken by the elected Recorder or designee and given to the Borough Clerk. Audio recording will be

made of the meetings. All approved minutes of meetings shall be kept by the Recorder in the journal of the proceedings of the Commission. All minutes of the Commission shall be distributed by the Borough Clerk to the public desiring the same after payment of standard posted copying charges, plus postage and handling costs if delivered by mail.

Unless a reading of the minutes of a Commission meeting is requested by a member of the Commission, such minutes may be approved without a reading if the Recorder has previously provided each member a copy thereof.

A Commission member may request through the chair the privilege of having a verbatim record of the member's statement on any subject under consideration by the Commission entered in the minutes. Unless a majority of the Commission members object to any such request, such statement shall be entered in the minutes.

## **7. Commission rules.**

In all matters of parliamentary procedure not covered in the rules of the Commission, Robert's Rules of Order shall be applicable and govern.

The Commission rules and order of business shall be observed in all cases, unless suspended temporarily for a special purpose of an emergency nature by a vote of the majority of Commission members present. Any member may move at any time for the suspension of any rule, and such motion must be seconded to entitle it to consideration.

If any member, in speaking or otherwise, transgresses the rules of the Commission, the chair shall, or any member can, call that member to order; in which case the member so called to order shall immediately cease discussion unless permitted by the chair to explain; and the Commission, if appealed to, shall decide the question without debate. If the decision be in favor of the member so called to order, the member shall be at liberty to proceed; if otherwise, the member shall not proceed without leave of the Commission to proceed in order.

A member about to speak shall respectfully address the chair, and shall not commence to speak until recognized by the chair. When two or more members request to speak at the same time, the chair shall determine which one is recognized.

Every member while speaking shall speak only to the subject under debate, shall refrain from personalities, and shall not refer to any other member of the Commission except in a respectful manner.

Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to propound a parliamentary inquiry or make a point of order.

No member shall speak more than twice or for more than 10 minutes continuously to any one question, except that one or more additional periods of 10 minutes may be granted by unanimous consent.

No appeal from any decision of the chair shall be entertained unless it is seconded, and no other business shall be in order until the question on appeal has been decided. The question on the appeal is not debatable and shall be put as follows: "Shall the decision of the chair stand as the judgment of the Commission?" It shall be deemed to be decided in the affirmative unless a majority of the votes given are to the contrary.

Motions – Putting questions in order moved.

The chair shall put all questions in the order in which they are moved .

Point of order.

Any member may make a point of order without a second at any time. The chair may speak to points of order in preference to other members, and shall decide all such questions, subject to appeal to the Commission by motion duly seconded; and no other business shall be in order until the question on the appeal has been decided. Motions – Second required.

All motions shall require a second, unless otherwise provided by special rule.

### Motions – Disposition, withdrawal.

After a motion is stated or read by the chair, it shall be deemed to be in the possession of the Commission and shall be disposed of by vote, but the mover may withdraw it at any time before decision or amendment, by consent of the second.

### Motions – Question under debate – Motions received.

A. When a question is under debate, the chair shall receive any of the following motions but no other:

1. To adjourn;
2. To recess;
3. To raise a question of privilege;
4. To call for the order of the day, or the regular order;
5. To lay on the table;
6. For the previous question;
7. To limit or extend limits of debate;
8. To postpone to a certain time;
9. To refer;
10. To amend;
11. To postpone indefinitely.

When one of the above motions has been made, none of the others inferior to it in the order in which they stand above shall be made, and in proceeding to vote, motions pending shall be put in the order of their rank as above arranged. The first seven are not subject to debate.

A motion to postpone to a certain time, refer, amend, or to postpone indefinitely may be amended; the previous question may be demanded before an amendment, which motion shall be decided without debate. A motion to adjourn shall always be in order; provided, that business of a nature to be recorded in the journal

has been transacted since any previous motion to adjourn has been defeated. No motion or proposition of a subject different to that under consideration shall be admitted under color of an amendment.

When a matter has been especially assigned to be taken up at a fixed time, or at a certain stage of proceedings, such matter shall, at the appointed time or at any time subsequent thereto, be in order upon the call of any member, and take precedence over all other business.

#### Motions – Division of question.

Any member may require the division of a question, when the sense of it will admit.

#### Parliamentary inquiries of chair.

Any member may make a parliamentary inquiry of the chair at any time during the meeting (“point of order”).

#### Motions – Ordering of previous question.

When the previous question is moved by any member, all debate on the main question shall be suspended immediately and the chair shall put the question in the following form: The previous question is moved on (specifying the motion on which the previous question is demanded). As many as are in favor of ordering the previous question will so indicate. If the majority assent, the affirmative has it, the previous question is ordered, and the chair will proceed immediately to put to a vote the question on which the previous question is ordered. If less than the majority so indicates, the negative has it, the motion is lost, and the question reverts to the immediately pending question which is again open to debate and amendment as if the previous question had not been demanded.

#### Motions – Reduction to writing.

Any motion must be reduced to writing if the chair so requires or any member so demands, and no other motion shall be entertained until reasonable time (not over 10 minutes) is afforded for compliance with this rule.

### Motions – Amending amendments.

A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

### Motion to reconsider.

When a vote has been taken either passing or defeating any proposition or legislation, any Commission member who voted on the prevailing side may move for reconsideration at the same meeting or at the next succeeding meeting whenever motions are in order; provided, that the subject matter has not passed out of the control of the Commission. The term “prevailing side” includes the negative side which has prevailed because the affirmative side has failed to muster the requisite number of votes required for passage of the measure. A motion to reconsider requires a majority of affirmative votes and, if it prevails, the subject shall be open to debate and amendment in the same manner as the original question. Debates on motions to reconsider shall be limited to 25 minutes and no member shall speak for more than five minutes. No measure shall be reconsidered more than once.

### Motions – Rescinding vote.

Any previous vote may be rescinded by vote of the majority of the Commission at any time, provided the subject has not passed out of the control of the Commission.

### Voting.

The chair shall declare all votes; but if any member doubts a vote, the chair, without further debate upon the question, shall request the members voting in the affirmative and negative respectively to so indicate, and the chair shall declare the result.

The vote upon all matters considered by the Commission shall be taken by “yes” or “no” votes which shall be entered upon the record, except that when the vote is unanimous, it shall be necessary only to so state.

Each member who shall be present when a question is put, where the member is not disqualified by personal interest, shall vote, unless the chair for special reason excuses the member. Applications to be so excused must be made before the vote, and shall be decided without debate. The Commission may overrule the chair's decision by majority vote.

### **8. Quorum - Voting.**

The Commission is comprised of nine members plus the Assembly Liaison. All members of the Commission, including the Chair, are voting members.

Five Commission members constitute a quorum.

In order to pass, a resolution or motion must have a majority of the votes cast and a minimum of four votes.

The final vote on each resolution or substantive motion is a recorded roll call vote. All Commission members present shall vote unless the chair, for special reasons, permits a member to abstain.

A member of the Commission who is going to be absent from a meeting may attend the meeting and vote through real-time communication links (e.g. teleconference). Costs of long-distance teleconference are borne by the physically absent Commission member.

The absent member must contact the Coordinator or Recorder 24 hours in advance so that communication links may be provided.

Commission members participating by long-distance teleconferencing shall be considered present and shall have all rights and privileges of any other member.

### **9. Conflict of Interest**

A Commissioner who is involved in a matter that may result in a conflict of interest shall disclose the matter on the public record and ask to be excused from the discussion and official action on that matter. The chair shall determine whether the Commissioners involvement constitutes conflict of interest. If the chair determines

that a violation would exist if the Commissioner continues to participate, the Commissioner shall refrain from voting, deliberating, or participating in the matter. The chair's decision may be overridden by a majority vote of the body.

A Commission member or a member of any board or Commission shall, whenever practical, request guidance, which may include a written advisory opinion, from the borough attorney when determining whether a member is involved in a matter that may result in a violation of this chapter.

### **10. Vacancies.**

The Commission shall declare a Commissioner's position vacant when the appointed Commissioner:

- A. Is physically absent from the borough for 90 consecutive days unless excused by the Commission;
- B. Resigns and the resignation is accepted;
- C. Is physically absent or mentally unable to perform the duties as determined by two-thirds vote of the Commission;
- D. No longer physically resides in the borough and the Commission by two-thirds vote declares the seat vacant; or
- E. Misses three consecutive meetings without excuse. Absent members must request of the Chair to be excused in advance of the meeting.

### **11. Filling of vacancy.**

All vacancies shall be filled by recommendation of the Mayor and approval by the Assembly.