



Minutes

Commission:	Energy and Conservation Commission	
Subject:	Commission Meeting (Coordination Meeting)	
Date:	Tuesday, October 01, 2019	*Red text indicated revised at subsequent meeting.
Location and Time:	Utilities Service Center @ 5:30 pm	
Attendees:	Tim Erickson Glenn Foy Randy Hafer Neil Kiner	Jennifer Owen (Absent) Deborah Singer Karen Stears Louis Engels, City of Billings

1. Review of Council Resolution and Objectives (Louis)

- Louis provided a copy of the council resolution (attached) and reviewed the document with the group.

2. Introductions – Experience and Interest (Each Commission Member)

- Each group member introduced themselves and described their experience and interest in the commission.

3. By-Laws Discussion (Louis)

- The City of Billings has By-Laws for commissions in the Billings Municipal City Code.
- Louis provided a copy of the by-laws to each member and reviewed the highlighted portions specifically. The by-laws are attached.
- Chair-person and Vice-Chair were discussed. Randy Hafer expressed interest in being Chair-person and Debbie Singer expressed interest in being the Vice-Chair. No other members expressed interest those positions. Voting for the Chair and Vice-Chair will be at the beginning of our first official commission meeting on November 11th.
- The Commission will meet the **2nd Monday of the month at 3 pm in the Utility Service Center Conference Room at 2251 Belknap Avenue.**

4. Action Items

1. The commission requested a copy of the City of Billings Org Chart. Louis to Provide.
2. Voting for commission Chair and Vice-Chair will be at the next commission meeting. Since Jennifer was absent, she will be given the opportunity for these positions via email.
3. The commission requested a copy of the resource use by City department. Louis will compile and send out.
4. Debbie mentioned ~~that the previous commission had referenced~~ **Deleted per Nov 11, 2019 Meeting** a McKinstry study/plan that outlined resource use and recommendations throughout the City. Louis to locate and provide.
5. The Commission requested a copy of the Integrated Water Plan for review. Louis to provide.

6. Debbie will provide a history of the previous commission at the next meeting since she is the only returning member.
7. Louis will look into an FTP site for transfer of large files to commission members.
8. The commission requested a contact list for each member. The list is below:

NAME	EMAIL	PHONE
TIM ERICKSON	tim.erickson@hdrinc.com	406.694.4936
GLENN FOY	1glennfoy@gmail.com	406.672.0083
RANDY HAFER	rhafer@highplainsarchitects.com	406.855.9597
NEIL KINER	neil@secondnature.consulting	406.850.0461
JENNIFER OWEN	jowen26@gmail.com	202.577.8427
DEBORAH SINGER	deborah.singer@northwestern.com	406.670.3828
KAREN STEARS	stears@fiberpipe.net	307.752.2500
LOUIS ENGELS	engelsl@billingsmt.gov	406.696.2538

By-laws from Billings Municipal Code

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-503. - Loss of membership.

If a member of any board, committee or commission of this city fails to attend three (3) consecutive scheduled meetings of such board, committee or commission without being excused from such attendance, such person shall no longer be considered a member of such board, committee or commission, and the position may be declared vacant by the mayor, unless otherwise provided by statute or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-503.1. - Forfeiture of office.

The position of advisory board, commission, or committee member is forfeited and becomes vacant for lack of qualification upon the occurrence of any of the following events prior to the expiration of the term:

- (1) The death of the member;
- (2) The member's resignation;
- (3) The member's conviction of a felony;
- (4) The member's ceasing to be a resident of the city; or
- (5) The decision of a competent legal tribunal declaring void the member's appointment.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-503.2. - Removal of any or all members.

Members of advisory boards, commissions and committees serve at the discretion of the mayor and city council. Upon two-thirds (2/3) vote of the mayor and city council, any or all members of an advisory board, commission or committee may be removed.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-504. - Filling unexpired term.

Vacancies occurring for any reason during the member's term shall be filled within sixty (60) days in the same manner as the original appointment. The appointment shall be for the remainder of the unexpired term.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-505. - Terms of office.

Except as otherwise provided by Charter, this Code, statute or interlocal agreement:

The terms of members of a permanent advisory board or commission will run on a calendar year basis. During the transition to the calendar year terms, any member whose term expires prior to December 31 will holdover in office at least until December 31 or until his position is filled by appointment, whichever is later. All board and commission appointees after the initial appointments shall be appointed for four (4) years. Each member shall be limited to two (2) consecutive four (4) year terms.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-506. - Staff liaison.

Each permanent advisory board shall have a designated staff liaison appointed by the city administrator. The staff liaison shall be responsible for preparing the meeting agenda, advertising the meeting, taking minutes, and handling any communications between the board, the mayor or city council, or the city administrator.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-507. - Meetings, rules and procedure.

All boards, commissions, and committees shall comply with this article and the following rules of procedure. A board, commission or committee shall not establish its own bylaws or any other rules without the prior written approval of the city council, unless otherwise required by law. All bylaws or rules of procedure existing on the effective date of this article are void and shall be replaced with the rules of procedure set by ordinance.

- (1) **Election of chairperson and vice-chairperson; presiding officer.** At the first meeting of every calendar year, a chairperson and vice-chairperson shall be elected by a majority of members present at the meeting. The chairperson shall be the presiding officer and shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum. In the absence of the chairperson, the vice-chairperson shall be the presiding officer.
- (2) **Location; calling to order; quorum.** The advisory boards, commissions or committees shall hold regular meetings for the transaction of city business as required. A majority of the meetings held by each board, commission or committee in any calendar year shall be located in a public facility owned by a governmental entity. Any regular meeting may be canceled or rescheduled by majority vote of the advisory board, commission or committee at any time prior to the last business day before the scheduled meeting. The presiding officer or any three (3) members may request that a special meeting be called. The request shall be submitted to the staff liaison who shall prepare the agenda and notice in writing, which notice shall be delivered or mailed to all members. All meetings shall be held in accordance with the public notice and public meeting laws.

At any regular or special advisory board, commission or committee meeting, the presiding officer shall call the roll, and the names of all members present shall be recorded in the minutes. The presiding officer shall announce whether or not a quorum is present. Unless otherwise set by law, a simple majority of the members of the advisory board, commission or committee duly appointed and qualified is necessary to constitute a quorum. A meeting must have a quorum present in order to conduct business. Members must be physically present for meetings, and no proxy votes shall be allowed. Members shall vote on all agenda items unless prohibited by law.

- (3) **Meetings open to the public.** All meetings of the boards, commissions, committees, subcommittees or other entities created by the city council shall be open to the public if required by state law. "Meeting" means the convening of a quorum of the membership of the boards, commissions or committees created by the city council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.

A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.

- (4) **Proposed agenda.**
 - a. The presiding officer through the staff liaison shall prepare a draft regular meeting agenda and shall provide the same to the members in accordance with an agreed process designed to provide them with sufficient time and opportunity to review the draft agenda and request changes therein prior to its finalization.
 - b. The staff liaison shall prepare the final agenda of business to be considered at the regular meeting and shall transmit copies of the same to the members on or before close of business on the Monday preceding the regular meeting at which the matters are to be considered. Agenda items may only be removed from the agenda by the consent of a three-fourths ($\frac{3}{4}$) majority of the members present.
 - c. Only matters that appear on the agenda shall be considered by the members at its regular meeting. Matters that are ministerial or deemed not of significant interest to the public may be added by consent of a three-fourths ($\frac{3}{4}$) majority of all members present.
- (5) **Order of business for regular meetings.** At all regular meetings of the advisory boards, commissions and committees, the order of business shall be as follows:
 - a. Call to order;
 - b. Roll call;
 - c. Correcting, if necessary, and approving minutes of the last meeting or meetings;
 - d. Staff liaison reports;
 - e. Public comment on the published agenda or non-agenda items. Speakers are requested to indicate their desire to speak and which item or items on which they wish to offer comment by filling in their name, address and agenda item number or subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the presiding officer.
 - f. Agenda. The agenda constitutes an individually numbered listing of business items either:
 1. Requiring a public hearing prior to action;
 2. Giving a special informational presentation; or
 3. Any item that requires separate time by the board, commission or committee to fully discuss the matter prior to rendering a decision.
 - g. Adjourn.

The order of business may be altered for any meeting by a majority vote of the members present. The order of business for any special meeting shall be specified in the notice calling for the special meeting.

- (6) **Minutes.**
 - a. Appropriate minutes of all meetings of advisory boards, commissions and committees shall be kept by the staff liaison and shall be available for inspection by the public.

- b. Such minutes shall include without limitation:
 1. Date, time, and place of meeting;
 2. A list of the individual members of the board, commission or committee in attendance;
 3. The substance of all matters proposed, discussed, or decided; and
 4. At the request of any member, a record by individual members of any votes taken.
- (7) **Distribution of minutes.** It shall be the duty of the staff liaison to see that copies of the minutes are transmitted to the members as soon after the original minutes are written as possible. The minutes must be finally approved at the next meeting and shall be posted on-line at the city's website within ten (10) business days after final approval. The minutes are permanent records of the city and must be retained indefinitely.
- (8) **Rules of procedure for meetings.** The meetings of the advisory boards, commissions or committees shall in all cases be governed by the following rules, unless otherwise set by interlocal agreement, statute, or ordinance, or unless they are suspended pro tem by a majority vote:
 - a. **Decorum.**
 1. The presiding officer shall preserve order and decorum and shall decide all questions of order, subject to appeal to the board, commission or committee.
 2. Every member, previous to speaking, shall address the presiding officer, but shall not proceed until recognized and named by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
 3. When two (2) or more members address the presiding officer, the first to have precedence shall be decided by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
 4. While a question is being placed on the floor, no member shall speak or walk across the meeting room or leave the same.
 5. When any member is addressing the group, no other member shall engage in private conversation or do any other act to divert attention or interrupt the speaker.
 6. At meetings all questions relating to the priority of business shall be decided without debate.
 7. To preserve meeting decorum and minimize distractions, television cameras are to be confined to designated areas. Interviews in the chamber are permissible after meetings. No interview or live narration will be allowed in the chamber prior to or during the proceedings of a meeting.
 - b. **Meeting protocol.**
 1. A member shall not speak more than twice on the same subject without leave of a majority of the group, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.
 2. No motion shall be debated or put to a vote unless the same shall be seconded. The motion and second shall then be stated by the presiding officer.
 3. All motions shall be stated in clear, concise and definite terms, beginning with the language: "I move that . . . ". "I so move" or any other abbreviated language does not constitute correct form for a motion and is out of order.
 4. After a motion has been stated by the presiding officer it shall be deemed in possession of the group, but may be withdrawn at any time before amendment or decision, by the mover with consent of the second.
 5. If a question under consideration contains more than one (1) distinct proposition any member may demand a division.
 6. When a question is under debate, no motion shall be entertained, except: First, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone to a day certain; fifth, to refer to a committee; sixth, to amend; and seventh, to postpone indefinitely. These motions shall have precedence in the order stated.
 7. Amendment of a question may take the form of a motion to substitute. Adoption of a motion to substitute shall be deemed approval of the substitute motion itself and further debate and amendment of the adopted substitute motion are not in order. The provisions of Robert's Rules of Order Newly Revised concerning substitute motions are superseded by this rule of procedure.
 8. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.
 9. No motion on a subject different from that under consideration shall be permitted.
 10. After a vote is announced, no member shall change his vote without following the procedure for reconsideration.
 11. No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made except by a member who voted with the majority. If the motion for reconsideration is approved by a majority vote of the board, commission or committee, then the decision on which the vote is to be reconsidered is placed back on the agenda at a location specified by the presiding officer for further consideration and another vote.
 12. In case a voice vote is indeterminate, a roll call vote shall be taken.
 13. In case of a tie vote on any proposal, the proposal shall be considered lost/failed.

14. The staff liaison shall rule on all questions of parliamentary procedure and the staff liaison's decision shall be final.
 15. Every member present shall vote upon every question submitted, unless excused or unless the member has a financial or personal interest as defined in section 2-702. If a member has a financial or personal interest, the member shall, immediately after the motion has been made and seconded, or as soon thereafter as the member may be recognized by the presiding officer, publicly disclose the nature and extent of such interest and disqualify himself or herself from participation in the deliberation and voting on the question.
- c. **Documentation of proceedings.**
1. In all cases the name of the member proposing a motion and seconding the motion shall be entered in the minutes.
 2. Any member may demand the roll call of ayes and noes upon any question pending. Except as provided in this subsection, a vote on all matters shall be by voice vote.
 3. All reports or proposals shall be reduced to writing before being submitted to a vote.
 4. Application of Robert's Rules of Order. In all parliamentary practice not herein prescribed, Robert's "Rules of Order Newly Revised" shall govern so far as applicable.
- d. *Public hearings.* Public hearings may be required by law or by council policy. Public hearings are held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including views of interested parties. When public hearings are required by law, they shall be held as set out herein. At the commencement of any public hearing, the presiding officer may set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly. At the conclusion of his testimony at a public hearing, any individual may be questioned by any member. The time involved in such question and reply shall not count against the time allowed for the presentation of views.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-508. - **Limitations of powers.**

A member of an advisory board, commission or committee, except as otherwise provided by law, shall not:

- (1) Incur city expense or obligate the city in any way without prior authorization of the mayor and city council.
- (2) Make any written or oral report of any board, commission or committee activity to any individual or body unless:
 - a. To the mayor and city council;
 - b. Authorized to do so by majority vote of the entire membership of the board, commission or committee; or
 - c. Allowed by law.
- (3) Independently investigate citizen complaints against departments or individual employees or volunteers by questioning witnesses or otherwise.
- (4) Conduct any activity which might constitute or be construed as establishment of city policy.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-509. - Supervision by mayor and city council.

The advisory boards, commissions or committees are established to advise and provide recommendations to the mayor and city council on particular issues. As such, the mayor and city council have the authority to direct, supervise, and oversee the activities of any board, commission or committee.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-510. - **Reports.**

The presiding officer of each board, commission or committee shall report to the mayor and city council annually either in person or in writing. If the presentation is in person, it will be at a council work session at a date and time arranged through the staff liaison.

(Ord. No. 09-5485, § 1, 1-12-09)

RESOLUTION 19-10794

**A RESOLUTION ESTABLISHING A COMMISSION ON ENERGY
AND CONSERVATION**

WHEREAS, the Billings City Council's Strategic Plan for Fiscal Years 2015-2019 specifies stewardship as a value, which includes planning and managing resources effectively, responsibly and efficiently; and

WHEREAS, the Mayor has proposed and the City Council has approved the establishment of a Commission on Energy and Conservation to coordinate the City of Billings' current policies and practices regarding energy consumption and resource conservation, to make recommendations to the City Council and City Administrator for future action; and

WHEREAS, the purpose of the Commission will be to consider ways to conserve energy including areas where the City can reduce the amount of money it spends on energy and ways to limit the City's impact on the environment; and

WHEREAS, the Commission may also recommend additional areas where City government could assist citizens in minimizing pollution and energy consumption; and

WHEREAS, the Commission will be responsible for conducting an inventory of water and wastewater consumption, waste removal and disposal, pollution and energy efficiency of City-owned and City-managed facilities, vehicles and equipment; and

WHEREAS, the cost of implementing energy conservation strategies will always be a consideration but should not necessarily limit the discussion, which could include water conservation, recycling, alternate fuels, alternate transportation, alternate energy sources, building and road construction, etc.; and

WHEREAS, the Commission shall consist of seven citizen members to be appointed by the Mayor and confirmed by the City Council; and

WHEREAS, the Commission may also include up to three ex-officio representatives of City departments, to be appointed by the Mayor and confirmed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. CREATION. There is hereby created the Commission on Energy and Conservation.
2. DURATION. The Commission shall expire at the end of four (4) years or when the Commission members determine by majority vote that their work has been completed, whichever comes first.
3. APPLICATION PROCESS. Citizen members shall apply to serve on the Commission and must have experience and a demonstrated interest in the fields of energy or conservation.
4. APPOINTMENT TERMS. All citizen members shall be appointed to four-year terms with all terms beginning on July 1, 2019.
5. ALLOCATION OF STAFF TIME. City staff may be allocated to coordinate the City's ongoing and future energy conservation efforts, including but not limited to, Commission facilitation, internal and external communications, and administrative duties.
6. COMMISSION ORGANIZATION. The Commission, upon creation, shall adopt bylaws providing for meeting schedules, officers and their election, and other appropriate conditions for the conduct of its members.
7. DUTIES OF THE COMMISSION. Members will undertake and oversee the process of creating and implementing a comprehensive energy conservation plan that includes:
 - a. An inventory of water and wastewater treatment, waste removal and disposal, pollution and energy efficiency of City-owned-and-managed facilities, transportation and equipment; and
 - b. Specific goals and strategies to reduce energy consumption, pollution and waste by measurable amounts; and
 - c. A timetable for accomplishing the outlined goals and strategies; and report the findings of the Commission to City Council on a semi-annual basis.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the 13th day of May, 2019.



CITY OF BILLINGS

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk