

**RULES OF PROCEDURE**

**Energy Commission**

**TOWN OF BEDFORD, NEW HAMPSHIRE**

Adopted by the Bedford Energy Commission January 26, 2017  
Revised 07-28-22

**ARTICLE 1**  
**Authority and Name**

Section 1.1 – Authority

These Rules of Procedure are adopted under the authority of NH RSA 38-D, Bedford Town Charter §10-16 B., and the Administrative Code of the Town of Bedford.

Section 1.2 – Name

The commission’s name shall be the "Bedford Energy Commission” as adopted by the Bedford Town Council on June 24, 2009.

**ARTICLE 2**  
**Powers and Duties**

Section 2.1

Pursuant to RSA 38-D and Charter §11-1 F., the Town Council has vested the Bedford Energy Commission with the following powers and duties:

The promotion of energy efficiency, conservation, sustainability, reliability and affordability enhances the health, safety and welfare of Bedford residents, businesses and, public and private institutions within the Town. The Bedford Energy Commission facilitates energy efficiency, conservation, sustainability, reliability and affordability within the community; develops recommendations to advance these objectives relative to public buildings and facilities; and develops recommendations to advance these objectives relative to residences, local businesses, civic institutions and transportation. The Bedford Energy Commission serves in an advisory role in support of the Town Council and School District. In its advisory role in support of the Town Council and School District, the Bedford Energy Commission may review construction, renovation and maintenance projects, and may provide periodic reports covering short and long range recommendations for action by the Town Council, School District and other appropriate officials of the Town or School District. The Bedford Energy Commission assists the Town and the School District with environmentally sound planning, practices and activities consistent with principals of energy efficiency, conservation, sustainability, reliability and affordability; to further the objectives of energy efficiency, conservation, sustainability, reliability and affordability through the performance of studies, research, analysis, consultation, and compiling and making information available to the public to advance these objectives, including information concerning technologies, methods, resources and financial incentives.

Section 2.2

The duties of the Bedford Energy Commission include, but are not limited to, the mandatory duties set forth in RSA 38-D:4. The Bedford Energy Commission: (a) Researches municipal energy use and cost and makes the information available to the Town on at least an annual basis. (b) Makes recommendations to local boards and committees pertaining to municipal energy plans and sustainable practices such as energy conservation, energy efficiency, and energy generation and zoning practices. The Bedford Energy Commission maintains a web page in conjunction with the Town to provide the public with information concerning energy efficiency, conservation and

sustainability as well as related financial incentives. The Bedford Energy Commission provides information to the Town Council on matters relating to energy consumption, conservation and policy, and as such, its duties include, but are not limited to: 1. Developing a comprehensive plan for energy efficiency, conservation and sustainability for the Town of Bedford addressing the reduction of energy consumption and Town and School District energy-related operating expenses; 2. Researching and evaluating conservation practices and technologies which may include issuing recommendations for incorporation of USGBC LEED and EPA Energy Star standards and criteria in the construction, renovation or maintenance of public buildings and facilities; 3. Reviewing, evaluating and commenting at the request of the Town Council or School District relative to energy-related operating and capital items in their respective budget proposals, and developing associated life cycle cost analyses for energy-related capital proposals; 4. Researching and evaluating regional, State, Federal and utility resources and grants relating to energy and energy conservation which may be available to local governments, residents and businesses. 5. Assisting the School District and local organizations relative to energy conservation and technology education within the community.

### Section 2.3

In accordance with NH RSA 674:2, III (n) authorizing the incorporation of the Energy Section of the Bedford Master Plan, and in recognition the importance in energy planning in local government, the Bedford Energy Commission participates in updates of the Bedford Master Plan, including the Energy Section “which includes an analysis of energy and fuel resources, needs, scarcities, costs and problems affecting the municipality and a statement of policy on the conservation of energy.”

### Section 2.4

In performing its duties relative to energy use by the Town and School District, including thermal, electrical and transportation uses, the Bedford Energy Commission will generally perform a sequential analysis with the following steps: inventory, performance audit, comparison to applicable benchmarks, prioritization of recommendations, proposal of actions, and measurement of the results of such actions as may be implemented.

### Section 2.5

The Bedford Energy Commission will pursue other energy-related matters as may be assigned to it by the Bedford Town Council and may provide information and guidance to the community on energy-related topics.

### Section 2.6

Neither the Bedford Energy Commission nor any of its members shall give directives to elected officials, to Town boards and commissions, or to employees of the Town or School District.

### Section 2.7

Members of the Bedford Energy Commission may also serve on other municipal boards and commissions, including but not limited to, the Bedford Conservation Commission, the Bedford Planning Board, and the Bedford Historic District Commission.

## Section 2.8

The Bedford Energy Commission may establish subcommittees as it may from time to time require.

### **ARTICLE 3 Membership and Term of Office**

#### Section 3.1 – Membership; Term of Office

The Bedford Energy Commission shall consist of nine (9) regular members, seven (7) of whom shall be residents of the Town of Bedford appointed by the Town Council to serve staggered three (3) year terms, one (1) of whom shall be a member of the Bedford Town Council, and one (1) of whom shall be a member of the School Board at the option of the School Board. In addition, Town Council and School Board alternate members may be appointed in accordance with the rules and procedures of the Town Council and School Board respectively. Ex officio Town Council and School Board regular members and alternates shall serve terms of one (1) year. When an alternate serves in the absence or disqualification of a regular member, the alternate member shall have full voting powers.

Members of the Bedford Energy Commission may serve on other Town of Bedford Boards and Commissions.

#### Section 3.2 – Vacancies

In the event of a vacancy in the Bedford Energy Commission occurring other than through the expiration of a term of office, the Town Council shall appoint a replacement member for the unexpired term in the same manner as an original appointment.

#### Section 3.3 – Removal of Members

Members may be removed by the Town Council at a public meeting in the event of inefficiency, neglect of duty including three (3) consecutive unexcused absences from meetings, or malfeasance in office. The Bedford Energy Commission may submit written recommendations to the Council either in support or in opposition to the removal of a member.

#### Section 3.4 – Continuing Education

Members are encouraged to attend relevant seminars, webinars and conferences.

### **ARTICLE 4 Organization and Officers**

#### Section 4.1 – Organization Meeting; Officers

The Bedford Energy Commission, at its regular May meeting shall be called to order by the current Chairperson. At this meeting, the Bedford Energy Commission shall organize for the election of one of its members as Chairperson and one member as Vice-Chairperson and shall review the Bedford Energy Commission Rules of Procedure.

#### Section 4.2 – Terms & Eligibility

The term of the Chairperson and Vice-Chairperson shall be one (1) year. Both the Chairperson and Vice-Chairperson shall be eligible for re-election. Alternate members shall not serve as elected officers.

#### Section 4.3 – Duties of Chairperson

The Chairperson shall call the meeting to order, designate alternates to replace a regular member who may be absent or may disqualify herself/himself, preside over all meetings and hearings, decide all points of order and see that all proceedings are in accordance with the Ordinances and Regulations of the Town of Bedford and the statutes of the State of New Hampshire. The Chairperson shall appoint such committees as directed by the Bedford Energy Commission and shall affix her/his signature in the name of the Commission. The Chairperson shall present a yearly report of the activities of the Bedford Energy Commission for publication in the Town Annual Report, coordinate operational matters with the Executive Assistant to the Town Council and perform all other duties of the presiding officer.

#### Section 4.4 – Duties of Vice-Chairperson

The Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters which come before the Bedford Energy Commission during the absence of the Chairperson including, but not limited to: calling the meetings to order, designating alternates to replace a regular member who may be absent or may disqualify herself/himself, presiding over deliberations; and seeing that all proceedings are in accordance with the Ordinances and Regulations of the Town of Bedford and the statutes of the State of New Hampshire.

### **ARTICLE 5 Administration**

#### Section 5.1 – Staff Liaison

The Executive Assistant to the Town Council and Town Manager serves as administrative staff liaison to the Bedford Energy Commission in all administrative and financial matters.

#### Section 5.2 – Minutes and Records

Minutes of meetings and records of Bedford Energy Commission shall be kept and made available for public inspection at the Town Office Building in accordance with statutory requirements. Draft minutes of meetings, including names of the members in attendance, persons appearing before the Bedford Energy Commission, a brief description of the subject matter discussed, and any final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the meeting. Draft minutes shall be subject to review and amendment by the Bedford Energy Commission at a subsequent public meeting

The Staff Liaison shall give public notice of all public hearings in the manner required by the Right to Know Law, RSA 91-A, or as may be otherwise required by New Hampshire statute and shall

post public notices of all meetings including in the Town Office Building and the Bedford Public Library.

## **ARTICLE 6 Meetings**

### Section 6.1 – Regular Meeting Schedule

Regular meetings shall be held on the fourth (4th) Thursday of each month and may be held at the call of the Chairperson at such other times as the Bedford Energy Commission may determine subject to public notice as required by New Hampshire statute. Regular meetings shall begin at 7:00 PM at the Town Meeting Room - BCTV.

Members who anticipate being unable to attend or who anticipate arriving after the starting time for a meeting shall notify the Chairperson and Vice-Chairperson no less than twenty-four (24) hours in advance of the start of a meeting whenever possible.

### Section 6.2 – Remote Attendance

When a Bedford Energy Commission member's physical attendance at a meeting is not reasonably feasible, the member may participate by telephonic or video conferencing in all aspects of a Bedford Energy Commission provided that a quorum is physically present at the official, noticed location of the meeting, and provided that the member can be heard by all persons attending the meeting, including members of the public attending the meeting. Remote attendance is permitted only on an infrequent basis. It is the responsibility of the remotely attending member to connect before the start of the meeting. Connection attempts received after the meeting has begun may not be accepted at the discretion of the Chairperson. With the exception of personal illness, no more than two successive meetings may be attended remotely. Any member attending remotely shall identify any and all persons present in the location from which the member is participating.

If the Chairperson is attending remotely, he/she shall appoint the Vice-Chairperson to conduct the meeting, providing the Vice-Chairperson is among the quorum that is physically present. If both are attending remotely, the Chairperson may appoint a quorum member as temporary Chairperson or postpone the meeting to another date; however, postponement less than twenty-four hours before the start of a scheduled meeting is discouraged.

### Section 6.3 – Working and Subcommittee Sessions

Working sessions of the Bedford Energy Commission are open to the public may be held as needed by call of the Chairperson. Subcommittee sessions are open to the public and may be held as determined by the subcommittee.

### Section 6.4 – Public & Non-Public Sessions

All meetings of the Bedford Energy Commission and shall be conducted in accordance with section 1-10-16 of the Charter of the Town of Bedford including with respect to public notice, quorum requirements and the Right to Know Law. All meetings and working sessions shall be

open to the public except for Non-Public sessions which shall be held in accordance with the Right to Know law, RSA 91-A:3. Before entering into a non-public session, the Bedford Energy Commission shall cite one of the specific statutory reasons for the non-public session by a motion with the roll call vote to be recorded. Matters which the Bedford Energy Commission may consider appropriate for non-public session may include the hiring of a public employee, matters which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the Bedford Energy Commission itself, unless such person requests an open meeting, or discussions of pending or threatened litigation involving the Bedford Energy Commission. While in non-public session, the Bedford Energy Commission is limited to consideration of the subject which was the reason for entering the non-public session. Minutes of non-public sessions must be disclosed to the public within seventy-two-(72) hours unless two-thirds (2/3rds) of the members vote to seal the minutes after a determination that divulgence of the information likely would affect adversely the reputation of any person other than a member of the Bedford Energy Commission itself or render the proposed action ineffective.

#### Section 6.5 – Site Visits

Members of the Bedford Energy Commission may visit and make observations of a site which is the subject of an agenda item. Members may make such site visits before a public meeting, or, the Bedford Energy Commission, in its discretion, may vote to continue a public meeting to allow members an opportunity to perform a site visit. Observations on such site visits may form, in whole or in part, grounds for a decision of the Bedford Energy Commission. At no time shall more than four (4) members of the Bedford Energy Commission be present simultaneously during a site visit unless the site visit has been called as a public meeting and proper public notice as required by New Hampshire statutes has been given. Other than observations of the site, no evidence shall be taken; and there will be no discussions of the evidence or deliberations at such site visits.

#### Section 6.6 – Change of Meeting Schedule

- A. Conflicts: In the event that normal meeting dates conflict with State or National holidays, or with other Town events, notice of a new date will be posted at least fourteen (14) days prior to the rescheduled meeting.
- B. Future Meetings: The time and place of a future meeting may be changed at any time by a vote in the affirmative by a quorum of the Bedford Energy Commission provided that absent members are notified of the change.
- C. Cancellation or postponement: Meetings may be postponed and/or cancelled by the Chairperson provided that members are notified of the change.
- D. Special Meetings: Special meetings may be called by the Chairperson, or in her/his absence, the Vice-Chairperson, or at the request of five (5) members of the Bedford Energy Commission, provided that public notice as required by New Hampshire statute is given specifying the purpose of the meeting, and notice to each member is given at least forty-eight (48) hours in advance of the time of such meeting.

#### Section 6.7 – Quorum

Five (5) voting members, including alternate members sitting in place of regular members, shall constitute a quorum.

#### Section 6.8 – Disqualification of a Member

No member of the Bedford Energy Commission shall participate in deciding or shall sit upon the hearing of any matter which the Bedford Energy Commission is to decide if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.

Where uncertainty arises as to the application of the above paragraph to a Bedford Energy Commission member in particular circumstances, the Bedford Energy Commission shall, upon the request of that member or another member of the Bedford Energy Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may NOT be requested by persons other than Bedford Energy Commission members, except as provided by local ordinance or state statute.

#### Section 6.9 – Participation of Alternate Members

Alternate members participate as non-voting members at all meetings. A Town Council alternate or School Board alternate may vote on matters before the Bedford Energy Commission when replacing an absent Town Council or School Board regular member.

#### Section 6.10 – Order of Proceedings

Unless otherwise determined by the Chairperson, at each regular meeting, the order of the proceedings shall be as follows:

- A. Call to Order and Quorum Check.
- B. Review of the minutes of the previous meeting, motions to amend the minutes, if any, and approval of the minutes.
- C. New Business.
- D. Communications to the Bedford Energy Commission.
- E. Reports of Committees.
- F. Old Business.
- G. Adjournment.

### **ARTICLE 7 Rules of Procedure**

#### Section 8.1

The procedures of the Bedford Energy Commission shall be in accordance with section 1-10-16 of the Charter of the Town of Bedford including with respect to public notice, the Right to Know Law and quorum requirements. The Bedford Energy Commission shall maintain Rules of Procedure and regulations governing meetings, hearings, procedures, conflicts of interest, attendance, and other matters for the proper functioning of the Bedford Energy Commission. A copy of the Rules of Procedure shall be a public record and maintained on file with the Town Clerk at the Town Office Building and shall be available for public inspection. The Bedford Energy Commission shall adhere to the Town of Bedford Media Policy. At any meeting, the Rules of the



Energy Commission may be waived, amended or revoked by affirmative vote of a majority of the members in attendance.

Whenever the Rules of the Bedford Energy Commission are, or may become, inconsistent with State law and/or the Ordinances of the Town of Bedford, State Laws or Ordinances shall govern.

#### Section 8.2

All Bedford Energy Commission meetings, work sessions and/or subcommittee meetings shall be open to the public, and their minutes and other records shall be available to the public in accordance with the provisions of the Right to Know Law as amended.

### **ARTICLE 8 Records of the Bedford Energy Commission**

#### Section 9.1

All records of the Bedford Energy Commission shall be public records. The records of the Bedford Energy Commission shall be kept by the Staff Liaison Secretary and made available for public inspection at the Town Office Building in accordance with statutory requirements. Draft minutes of meetings, including names of the members in attendance, persons appearing before the Bedford Energy Commission, a brief description of the subject matter discussed, and any final decisions, shall be promptly recorded and open to public inspection not more than 5 business days after the meeting. Draft minutes shall be subject to review and amendment by the Bedford Energy Commission at a subsequent public meeting