

June 21, 2015

To: Annapolis City Council Environmental Matters Committee (EMC)  
From: Annapolis Environmental Commission (AEC)



On two appearances before the EMC I may have given an inaccurate impression regarding our Resolution Concerning Quorum to reform a provision in our enabling ordinance. Emphatically, we stand by that resolution and I am pleased to correct any misimpression that I may have created.

I am reaffirming the AEC's strong support of that resolution. Furthermore, the AEC wishes to convey its gratitude to Alderman Littmann and the EMC for preparing and introducing a responsive ordinance, O-25-15. We strongly favor its enactment.

We also identify certain minor changes in wording for your consideration, with an explanation, below. They change neither the intent nor effect of the reform, but would result in a simpler and clearer ordinance.

- We had recommended simply striking the quorum provision in its entirety
- The draft modified provision contains two sentences
- Deferring to your judgment as to the necessity for content, we nevertheless suggest that you consider also **deleting the yellow** portions immediately below as redundant:

~~4. Five appointed members constitute a quorum. A vote of the majority present is necessary for a decision.~~ **A RECOMMENDATION OR ACTION OF THE COMMISSION SHALL BE ADOPTED ONLY UPON A MAJORITY OF THE MEMBERS PRESENT AND VOTING. A QUORUM COMPRISES A SIMPLE MAJORITY OF THE SWORN MEMBERS, OR THREE, WHICHEVER IS GREATER, AND SUCH QUORUM SHALL BE NECESSARY TO CONDUCT BUSINESS.**

- Here are the reasons for suggesting deletions:
  - a. The City Attorney and the City Clerk advised us that *Roberts Rules of Order* govern city commissions' meeting procedure, already require a majority among those voting, and so repetition is unnecessary
  - b. The plain English definition of "quorum" is the number present that is required to conduct business, and so repetition is unnecessary
  - c. "Business" comprises everything, including "recommendation" and "action," and so repetition is unnecessary
- Finally, 2.48.330.D.3 references 2.48.410 which we cannot find in the online version of the City Code. Please verify that the reference is correct and that it makes sense.

Paul Murphy  
Chairman, AEC

## A Resolution by the Annapolis Environmental Commission (AEC) Concerning Quorum

Whereas, the AEC has no regulatory powers; and

Whereas, there are ten Annapolis government entities named as "Commissions" and there is no defined quorum in law for any other commission having no regulatory powers; and

Whereas, the enabling ordinance for the AEC defines a quorum as a fixed number regardless of the number of commissioners who may actually be in office at a given time; and

Whereas, there are often long-lasting vacancies on the AEC, unfilled by the Mayor and Council; and

Whereas, the fixed quorum number is therefore sometimes difficult to impossible to attain and, without a quorum, no business can be conducted,

Now therefore be it resolved that the AEC recommends to the City Council that enabling ordinance 2.48.330 be amended by striking in its entirety 2.48.330.F.4, in order to put it under the same rule as all other commissions having no regulatory powers.

Approved by the AEC by formal vote on June 5, 2013

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*Reference: The AEC enabling ordinance, with recommended deletion, is below.*

2.48.330.F.4

~~4. Five appointed members constitute a quorum. A vote of the majority present is necessary for a decision.~~