

RULES OF THE SIXTH CONSTITUTIONAL CONVENTION

CHAPTER I

PREAMBLE

These Rules, and the rules contained in Robert's Rules of Order (Latest Edition) to the extent the rules contained in Robert's Rules are consistent with these Rules, govern the Sixth Constitutional Convention of the Virgin Islands of the United States. When there is a conflict between Robert's Rules and these Rules, the latter controls. These Rules of Order shall govern in all cases to which they are applicable subject to P.L. 94 584 and Act No. 8681 as amended.

GENERAL PROVISIONS

RULE 1 - QUORUM

The quorum of the Convention shall be nine (9) Members. No business shall be conducted in the absence of a quorum except that a session may be held without a quorum only to take testimony. Quorums for Committee meetings shall be as prescribed in these Rules.

RULE 2 - VOTING

Unless otherwise required by these Rules, all measures, or questions before the Sixth Constitutional Convention or any of its Standing Committees shall require an affirmative majority vote, a quorum being present, for passage. However, a two-third vote of all the Members shall be required for adoption of the proposed constitution. Voting by proxy is prohibited, however, a Member appearing through any electronic medium shall be considered present and may vote on all matters.

RULE 3 - MEETINGS OF THE CONVENTION

(a) Plenary Sessions. Plenary sessions of the Constitutional Convention may be held each first Saturday of every month until the adjournment day of this Sixth Constitutional Convention, providing that the Convention may hold fewer or additional plenary sessions, as shall be decided by a majority vote of the Members present and voting. The President shall call plenary sessions with no less than five (5) working days public notice excluding weekends and holidays. The Convention shall provide for the widest participation of Members and the attendance of the public.

(b) Standing Committee Meetings. All Standing Committees shall meet at the day, hour and place provided by the schedule of the Standing Committees unless otherwise ordered by the Convention. No Standing Committee shall meet during any session of the Convention or at any place other than scheduled without first obtaining permission from the Convention, except that the President

shall cancel meetings upon consultation with Standing Committee chairs on seventy- two (72) hours public notice.

RULE 4 - OPEN SESSIONS AND MEETINGS

All sessions of the Convention and all meetings of a Standing Committee are open to the public except when the Convention or the Standing Committee, during the session or meeting and with a quorum present, determines by roll-call vote that all or part of the remainder of the session or meeting on that day or another day certain shall be closed to the public pursuant to the provisions of Title 1, section 254, Virgin Islands Code.

RULE 5- VACANCIES

If at any time during the proceedings of the Convention any Member shall die, resign, remove from the Territory, or become disqualified from serving, the vacancy shall be automatically filled as provided for by law (Act No. 8681 as amended).

CHAPTER II

OFFICERS

RULE 6 - OFFICERS

The permanent officers of the Convention shall be a president, vice president, secretary, and treasurer. Each permanent officer shall be a Member and shall be elected by a majority of the elected Members.

Temporary Presiding Officer. Until the election of a President of the Sixth Constitutional Convention, as provided in Act 8681 as amended, the Temporary Presiding Officer shall preside over the organizational meeting of the Sixth Constitutional Convention. The Temporary Presiding Officer is the sitting President of the Virgin Islands Legislature. The Temporary Presiding Officer shall call the Members to order for the purpose of conducting the election for the office of President. The Temporary Presiding Officer may conduct no other business nor perform any function other than that specifically prescribed in Act 8681 as amended.

Slates of Officers. Although the Temporary Presiding Officer shall conduct the election for the Office of President of the Sixth Constitutional Convention, any member may offer by resolution or motion, a slate of candidates for the offices established in these Rules. If a slate is offered, the Temporary Presiding Officer shall call for a yea or nay vote on the slate, without entertaining amendments thereto or dividing the slate for separate votes on the office. If a slate fails to receive a majority of votes, another slate may be offered. If no slate receives a majority of votes, the Temporary Presiding Officer shall proceed with the election for the office of President of the Sixth Constitutional Convention. Nothing in this section may prohibit the dividing of separate votes or amendment from a slate any matter not directly naming Members to specific offices or positions.

Immediately upon election of a President of the Sixth Constitutional Convention, whether by slate or otherwise, the Temporary Presiding Officer shall relinquish the chair to the Member elected as President and shall have no further powers or authority as Temporary Presiding Officer.

DUTIES OF THE OFFICERS

RULE 7- PRESIDENT

The President shall be the presiding officer and chief executive officer of the Convention and shall have the powers and perform the duties prescribed as follows:

- (a) Preside at sessions of the Convention and of the Committee of the Whole or designate any other Member to serve as the chair of the Committee of the Whole. The President shall preserve order and decorum.
- (b) Rule on all points of order, subject to an appeal of the Convention. On every appeal the President may speak to points of order and preference to other Members and shall state the reason for the decision.
- (c) Prepare and furnish to each Member, for each plenary session, a calendar, and agenda of business. The President shall take the chair each session day at the home provided by the rules, shall call the Convention to order, and a quorum being present shall proceed in the manner and order prescribed by the rules.
- (d) Sign all proposals, resolutions, or other formal acts adopted by the Convention, together with the Secretary the Convention.
- (e) Prepare a budget and submit it to the Convention for their advice and consent within thirty working days after being elected. The President shall be the certifying officer for all fiscal purposes.
- (f) Enter into contracts and authorize for payment and cause to be paid any necessary expenditure of the Sixth Constitutional Convention including, but not limited to expenditures for professional services, telephone, utilities, computer services, stationery, clerical supplies, electronic equipment, travel expenses, including travel by Members and staff to attend meetings of committees or subcommittees of which they are Members, and other necessary expenses to conduct the business of the Sixth Constitutional Convention. No later than the thirtieth (30th) day of each month the President shall submit to the Convention a report of the expenditures of the Convention for the preceding calendar month.
- (g) Have general charge of the hiring and supervision of all salaried staff and employees of the Convention and of such consultants as may be engaged by the Convention, subject to the advice and consent of the Executive Committee.

(h) Appoint and preside over an Executive Committee comprised of all Officers of the Convention, and subject to the advice and consent of the Executive Committee, appoint the Chair, Co-Chair, and members of the Standing Committees.

(i) Vote in all elections and on all questions, including appeals from decisions of the Chair during any session of the Convention.

RULE 8 - VICE PRESIDENT

The Vice President shall carry out such powers and duties as are assigned by the President. If the President is temporarily unable to preside, the Vice President shall function as President.

RULE 9 - SECRETARY

The Secretary shall have custody of and preserve all proposals, resolutions, standing committees reports, and all other records, books, documents, and papers of the Convention and shall perform the following duties:

(a) call the roll of the Members at the commencement of each session; report to the President the presence or absence of a quorum; keep records of all Members present, absent and excused, causing the same to be printed in the Journal.

(b) assign areas to properly accredited media representatives, and seats for the public.

(c) certify and deliver to the Governor of the Virgin Islands the Constitution as approved by the Convention for submission.

(d) authenticate by signature, together with the President all proposals, resolutions, or acts adopted by the Convention.

(e) use to be kept and furnished to each Member a printed Journal of the proceedings of the convention for the previous session day, which, when approved by the Convention, shall be the official Journal of the Convention.

(f) use to be kept and to be submitted to the Convention a verbatim record of the proceedings of sessions of the Convention and meetings of the Committee of the Whole.

(g) have such other duties as stipulated in these rules.

(h) except for certifying the Constitution adopted by this Convention and after consultation with the President, the Secretary may delegate some duties to a Executive Director, or other employee designated by the President.

RULE 10 - TREASURER

The Treasurer shall:

- (a) function as certifying authority for the operational budget of the Sixth Constitutional Convention and to work on all proposals for such budget.
- (b) require that all checks issued by the Sixth Constitutional Convention be signed by two officers as appointed by the President.
- (c) no later than the thirtieth (30th) day of each month the Treasurer shall submit to the President and the Convention a report of the expenditures of the Convention for the preceding calendar month.

CHAPTER III

EMPLOYEES

RULE 11- SALARIED STAFF AND EMPLOYEES

The Convention may establish an office in both the district of St. Croix, and the district of St. Thomas/St. John. The President shall be the administrative head of the Convention, and subject to the advice and consent of the Executive Committee, appoint all salaried staff, employees and consultants on a merit, nonpartisan basis, only for such time as funds are available, who shall not be Members of the Convention. The President shall fix compensation for all salaried staff, employees, and consultants.

The following staff and employees may be considered for the efficient and effective operation of the Convention:

- (a) Executive Director
- (b) Legal Counsel
- (c) Reporter
- (d) Consultants, clerks, assistants, or other employees that may be required from time to time to properly staff offices or meetings.

RULE 12 – Executive Director

The Executive Director shall serve as the Chief Administrative Officer of the Sixth Constitutional Convention and shall oversee and be responsible for all clerical records concerning the Convention and its

Members. The Executive Director shall be responsible for the supervision of all employees, the payroll, the budget, securing appropriate facilities and supplies as needed by the Convention, in addition to the day-to-day operations of the administrative offices.

- (a) Furnishing each Member with the daily calendar and agenda of the business of each session of the Convention and with a copy of each proposal as soon as available.
- (b) Responsible for collecting, compiling, documenting, and preserving all proceedings of the Convention and its several committees. He/she shall also oversee the publication of any of the historical documents and records of the Convention.
- (c) Keep and maintain a verbatim record of the proceedings of sessions of the Convention and meetings of the Committee of the Whole.
- (d) Receive visitors, telephone messages, provide for printing of documents, duplicating, custodial care, transportation, and messenger delivery.
- (e) Regularly meet with the Standing Committee chairs to evaluate the effectiveness of each Standing Committee's meetings and hearings, resolve problems and develop strategies for conducting the administrative operations of the Sixth Constitutional Convention.
- (f) Regularly hold general staff meetings to facilitate administration, keep employees informed and abreast of new policies, procedures, and current events, foster effective communication between management and employees for suggestions and problem solving and for other related purposes.
- (g) Make or delegate authority for making authorized travel arrangements for Members and employees of the Sixth Constitutional Convention.
- (h) Make available on a regular basis to all newspapers of general circulation and the media within the Territory a list containing the meeting dates and times of every Standing Committee, or general session of the Sixth Constitutional Convention.
- (i) Have and perform such other duties as may be delegated to him/her by the President of the Convention.

RULE 13 - LEGAL COUNSEL

The duties of the Legal Counsel are as follows:

- (a) Conduct the legal business of the Sixth Constitutional Convention.
- (b) Provide candid, independent, timely advisory legal opinions.
- (c) Draft such proposals as may be requested by Members of the Sixth Constitutional Convention.
- (d) Provide legal services during sessions of the Sixth Constitutional Convention and during

Standing Committee meetings and at other times as necessary including providing research assistance.

- (e) Examine, analyze, and research proposals and issues before the Sixth Constitutional Convention or its Standing Committees.
- (f) To transmit to the Executive Director for archiving, all research materials pertaining to legal issues before the Sixth Constitutional Convention or its Standing Committees.
- (g) Verify the legal accuracy and sufficiency of all documents to be disseminated by the Sixth Constitutional Convention.
- (h) Maintain an up-to-date index of adopted sections of the constitution, amendments thereto and resolutions.
- (i) Perform such other duties as may be prescribed by the President.

CHAPTER IV

COMMITTEES

RULE 14- POWERS OF STANDING COMMITTEES

Unless otherwise provided in these Rules, each Standing Committee of the Sixth Constitutional Convention shall have the power to:

- (a) Investigate, study and evaluate all matters within its jurisdiction.
- (b) Hold hearings and call before it witnesses to testify on matters within its jurisdiction.
- (c) Analyze, amend or substitute an original text for any issue referred to it by the President, except that any additions or substitutions must be germane to the matter originally referred.
- (d) Shall report to the Sixth Constitutional Convention on the Standing Committee's findings and conclusions on matters within its jurisdiction. The President may allow for amendments on the floor.
- (e) Authorize and cause to be expended, from the funds allotted to the Standing Committee by the President, such sums as are needed for:
 - 1. travel and per-diem allowances for the Standing Committee's members and staff traveling on Standing Committee business.
 - 2. equipment, supplies and other materials necessary to conduct Standing Committee's business.
 - 3. any other purpose necessary for fulfilling the responsibilities of the Standing Committee; except that, no committee may obligate monies of the Sixth Constitutional

Convention in any way, unless funds have been first made available.

- (f) The President may overrule or deny the scheduling of a committee meeting that the President determines to be outside the scope of the jurisdiction of a Standing Committee.

RULE 15 - CONDUCT OF STANDING COMMITTEE BUSINESS

(a) The Standing Committee shall conduct its business pursuant to the Rules of the Sixth Constitutional Convention.

(b) Except as provided by subsection (c), a Standing Committee Chair may second motions and participate in the general debate.

(c) The Standing Committee Chair shall vacate the chair when a motion, in which the chair has a direct personal interest, is made, and may not return until the matter is dissolved by the Standing Committee.

RULE 16 - QUORUM

A quorum for any Standing Committee shall be a majority of the total membership of that Standing Committee. No business shall be conducted in the absence of a quorum.

RULE 17 - PUBLIC ANNOUNCEMENT OF MEETINGS; AMENDMENTS TO ANNOUNCEMENTS; VOIDABLE ACTIONS OF A STANDING COMMITTEE

(a) The Standing Committee Chair shall make an announcement of any meeting of the Standing Committee. The announcement must:

- (1) Be in written form, including email.
 - (a) be distributed at least five (5) working days before the date of the meeting when possible.
- (2) be distributed in written including email to:
 - (a) each Member of the Sixth Constitutional Convention
 - (b) the media
 - (c) the Executive Director
 - (d) the Legal Counsel and give notice of each subject matter that will be formally considered by the committee, and the date, time, and place of the meeting. Announcement made under subsection (a) may be amended so long as the amendment is distributed before the Standing Committee's meeting in accordance with subsection (a) of this rule.

(b) An action to adopt language for the Constitution taken by a Standing Committee with respect to a particular matter is void if the action:

- (1) Was not taken in compliance with these rules; and
- (2) is not ratified by an affirmative vote of a majority of the delegates of the Sixth Constitutional Convention meeting in formal session.

RULE 18 – MEETING CALENDAR

Each Standing Committee Chair shall reserve on the Convention meeting calendar established for this purpose and available to all Delegates, a time and date for the conduct of a Standing Committee meeting. The reserve time and date of the meeting may be changed only in writing by the Chair to the President, within seventy-two (72) hours. No Standing Committee Chair may schedule a committee meeting during a time previously reserved by another Standing Committee Chair.

STANDING COMMITTEES

RULE 19 - COMMITTEE OF THE WHOLE

- (a) The Sixth Constitutional Convention, at any time during any of its sessions upon motion by a Member, or by order of the President, may constitute itself into a Committee of the Whole for the taking of testimony and discussing any subject it may consider proper.
- (b) A motion to constitute the Sixth Constitutional Convention into a Committee of the Whole must, if objection be raised, be voted on without debate.
- (c) The Committee of the Whole has all the powers granted to any Standing Committee with respect to investigations and such other powers as it may require consistent with the laws of the Virgin Islands and the provisions of these Rules. However, the Committee of the Whole may not amend, table, or otherwise alter or affect the disposition of any proposal, resolution, or other matter that it considers.
- (d) A Committee of the Whole shall rise:
 - (1) on the order of the President; or
 - (2) on motion of any Member duly seconded and, if objection is raised, shall be decided by majority vote.
- (e) The provisions of this chapter that require public announcements of meetings and recorded meeting times do not apply to meetings of the Committee of the Whole.

COMMITTEE APPOINTMENTS

RULE 20 - APPOINTMENTS OF COMMITTEES

The President, with the advice and consent of the Executive Committee, shall appoint of the members, Chair, and Vice-

Chair of every Standing Committee.

CHAPTER IV

ADOPTING LANGUAGE OR RESOLUTIONS

RULE 21 - METHOD OF CONSIDERATION

- (a) A Standing Committee, where applicable, as its first order of business on its agenda, shall consider and adopt or reject that section or parts of a section of the Fifth (5th) Constitutional Convention draft document over which it has been granted jurisdictional authority; and use revise modify, substitute or delete parts of the Revised Organic Act of 1954 over which it has been granted jurisdictional authority.
- (b) A Standing Committee may, by majority vote, a quorum being present, amend a section, recommend amendments to a section, combine two or more sections or recommendations, substitute an original text for a section and report out or postpone a final vote with respect to its review of the Fifth Constitutional Convention draft document and/or the Revised Organic Act of 1954 as required in subsection (a) above, except that no Standing Committee may combine into one section subjects that are not germane to one another.

RULE 22 - REPORTING RESOLUTION

Each Standing Committee, favorably reporting a matter or resolution, shall transmit the perfected copy of the adopted section(s) to the President for dissemination to Members. At the closing of each Standing Committee meeting, the Chair shall summarize, in writing, the actions of the Standing Committee, including all actions taken on every matter or resolution and present the summary to the President and the Executive Director within seven (7) working days of the closing of each meeting. The Chair of the Standing Committee shall promptly deliver to each Member and the Legal Counsel a copy of the summary.

PROCEDURES OF THE FLOOR

RULE 23 - JOURNAL OF PROCEEDINGS

The President shall cause to be kept a Journal of the Proceedings of the Sixth Constitutional Convention, including the proceedings of the Committee of the Whole. The record must include, among other things:

- (a) the title of the matter, amendment, or resolution introduced and the name(s) of the Member(s) who introduced it.

- (b) Each recorded vote of the Sixth Constitutional Convention and how each Member voted.
- (c) Standing Committee Reports with recommendations and all resolutions reported out to the Sixth Constitutional Convention and how each committee Member voted.
- (d) Each roll call kept by the Executive Director and how each Member voted.
- (e) Letters of transmittal presenting reports of Standing Committees and reports of departments and agencies.
- (f) An attestation that the Journal is a true and accurate account of the proceedings of the Sixth Constitutional Convention.

RULE 24 - DEBATE

- (a) A motion or other matter may be debated until a call for a vote is distinctly announced by the President, and debate must be germane to the matter being debated.
- (b) As may be otherwise provided in these Rules, no Member may speak during a session of the Sixth Constitutional Convention or a meeting of the Committee of the Whole, unless recognized by the President for that purpose. A Member who wishes to be recognized during a session of the Sixth Constitutional Convention shall rise and address the President as "Mister or Madam President", as the case may be, and during a Committee of the Whole, raise his or her hand and address the chair as "Mister or Madam Chair", as the case may be. No Member may interrupt the remarks of another Member with repeated attempts to be recognized. When two or more Members seek recognition at the same time, the President shall designate the Member who is entitled to the Floor.

RULE 25 - QUESTIONS AND MOTIONS

The precedence of motions as contained in Robert's Rules of Order, to the extent they are consistent with these Rules, applies to the Sixth Constitutional Convention Sessions and Standing Committee meetings.

RULE 26- CODE OF ETHICAL CONDUCT

- (a) Members of the Sixth Constitutional Convention shall always conduct themselves in a manner that reflects respectfully on the Sixth Constitutional Convention of the Virgin Islands.
- (b) A Member or employee of the Sixth Constitutional Convention shall adhere to the spirit and letter of the Rules of the Sixth Constitutional Convention of the Virgin Islands.
- (c) Members and employees of the Sixth Constitutional Convention and contracted professional staff to the Sixth Constitutional Convention shall comply with the provisions of Title 3 Virgin Islands Code, chapter 37, "Conflicts of Interest" and the dress code set forth in Rule 28 of these Rules.
- (d) Members and employees of the Sixth Constitutional Convention may accept no gift of

substantial value, directly or indirectly, from any individual, corporation or organization having direct interest in matters before the Convention.

- (e) Members and employees of the Sixth Constitutional Convention may accept no honorarium for a speech, writing for publication, or other similar activity, from any individual, corporation, or organization, more than the usual and customary value for such services.
- (f) An employee of the Sixth Constitutional Convention must not participate in any lobbying activity related to the business of the Convention during working hours.
- (g) The Sixth Constitutional Convention may not discharge or refuse to hire an individual based on such individuals race, color, religion, sex, sexual orientation, ethnicity, or national origin.

RULE 27 - DRESS CODE

Delegates and employees of the Sixth Constitutional Convention must always be neatly groomed and clean during Sessions and Standing Committee meetings. Delegates and members of the Sixth Constitutional Convention shall wear professional attire (blazers) during sessions of the Convention.

RULE 28- AMENDMENT OF THE RULES

Amendments to these rules require a two-thirds affirmative vote of all Delegates. Proposed amendments to these rules must be submitted by a Delegate(s) in writing to the President for circulation to the members, at least seven (7) working days in advance of the Convention's consideration of the amendment.