

Sigma Rho Pi

Breaches of a Continuing Nature – January 5, 2014
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Point of Order:

When a member believes that a rule is being violated, he may call for a Point of Order, thus (1.) demanding a ruling from the presiding officer, and (2.) demanding that the rules be properly enforced (RONR page 247-255).

If a question of order is to be raised, it must be raised promptly at the time the breach occurs (RONR (11th ed.), p 250, ll. 18-19), unless the breach is of a continuing nature (RONR (11th ed.), p 251, ll. 3-26).

Instances of Breaches of a Continuing Nature:

1. Adoption of a motion which conflicts with an organization's bylaws or constitution (see p. 17:22-25);
2. Adoption of a motion that conflicts with a previously adopted motion that is still in force (unless adopted by vote equal to Rescind or Amend Something Previously Adopted);
3. Action taken in violation of Procedural Rules prescribed by federal, state, or local laws (e.g., Americans with Disabilities Act, California Public Records Act, Brown Act.);
4. Action taken in violation of Fundamental Principles of Parliamentary law (see p. 263);
5. Actions taken in violation of rules protecting absentees, bylaw requiring vote by ballot, or rules protecting the basic rights of individual members.

It is never too late to raise a point of order for actions taken under these conditions. These actions are null and void

Suspend the Rules Interfering with a Proposed Action:

Except for number 2 above, these 5 instances of breaches of continuing nature 5 are practically the definition of rules which may never be suspended (RONR (11th ed.), p 263, ll. 1 - p 265 ll 10)!

Rules that may not be suspended:

1. Rules contained in the organization's constitution or bylaws;
2. Procedural rules prescribed by federal, state, or local laws;
3. Rules that embody Fundamental Principles of Parliamentary Law;
 - a. One question at a time;

- b. Only members may vote;
 - c. Voting members must be present at a properly called meeting to vote;
 - d. No absentee or proxy voting;
 - e. One member: one vote (i.e., no cumulative voting);
- 4. Rules protecting absentees:
 - a. Requirement of the presence of a quorum to vote;
 - b. Business restricted to call in a Special Meeting;
 - c. Requirement of previous notice for proposed bylaw amendments;
- 5. Rules protecting basic rights of the individual member.
 - a. No particular member may be denied the right to attend meetings, make motions, nominate, speak in debate, give previous notice, vote;
 - b. No dispensing of sections of order of business (different from amending the agenda).

DRILL:

A Point of Order (PO) will be raised for each situation below. The point may or may not be well taken.

Explain if the violation is a breach of a continuing nature.

Explain what makes this violation a breach of a continuing nature.

1. A main motion is moved, stated by the chair, debated, and adopted.
 PO: Motion was never seconded.
(PO raised right after the vote was announced.)
2. At today's meeting a motion was adopted that conflicts with a motion still in force that was adopted 3 meetings ago. The vote on today's motion was 8 to 2 and no previous notice had been given.
 PO: Today's motion conflicts with an adopted motion still in force.
(PO raised several meetings later.)
3. A bylaw requires that an election be conducted by ballot vote. A motion to elect an officer was accomplished by unanimous consent.
 PO: Bylaw violation.
(PO raised 3 meetings later.)
4. A quorum was discovered to have disappeared during a meeting. The chair stated that since a quorum existed at the start of the meeting, business could be handled for the duration of the adopted agenda. Three motions were voted upon.
 PO: Violation of a rule protecting absentees.
(PO raised after the third vote but complaining about the first inquorate vote.)

5. Bylaws state that debate is limited to 7 minutes per topic. At today's regular meeting a motion is adopted with a 2/3 vote to strike '7' and insert '9'.
PO: The debate limits were amended without a previous notice.
(PO raised right after the vote was announced.)
6. Bylaw states that a member with delinquent dues may not nominate others to office. The chair denies a delinquent member's attempt to vote at the election.
PO: Violation of Basic Rights of an Individual.
(PO raised several meetings later.)
7. All 15 board members are present. A member moved to amend the bylaws claiming that a previous notice is not necessary being that the full membership of the board is present. Chair agrees.
PO: Violation of a rule protecting absentees.
(PO raised at the next meeting.)
8. The first main motion is adopted with a vote of 12 to 2 with 14 votes cast. A second motion is moved, seconded, and stated by the chair.
PO: Count included 2 illegal votes on the first main motion.
(PO raised after the second motion was introduced.)
9. The Brown Act requires an agenda to be posted 72 hours before the meeting. The chair amended the posted agenda 24 hours before the meeting.
PO: Brown Act violation of the 72 hours requirement.
(PO raised half way through the meeting; agenda had been adopted at the meeting.)
10. During a long debate on a controversial issue some members have to leave so they drop off their ballots with the secretary. When the vote is finally taken, these dropped off ballots are also counted as part of the valid ballots.
PO: Violation of a rule embodying Fundamental Principles of Parliamentary Law.
(PO raised at the next meeting.)

1-late, 2-fine, 3-BCN, 4-BCN, 5-p.17, 6-BCN, 7-BCN, 8-late, 9-BCN, 10-BCN