

The Majority Rules,

But Why Let Them?



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Parliamentary Workshop

Sacramento City College - January 12, 2015



Table of Contents

Page	Concept
3	Hierarchy of Governance
3	Sacramento City College Agenda
4	Dos and Don'ts of Minute Taking
5	Debate Protocol
6	Six Steps to Handling a Motion
7	Amendments – Insert or Add
8	Amendments – Strike
9	Amendments – Strike and Insert
10	Brown Act of 1953
14	Purpose and Form for each Motion
15	Ranking of Selected Motions

Parliamentary Workshop

Sacramento City College - January 12, 2015



Hierarchy of Governance

1. Federal Statutes (regulatory guidelines)
2. State Laws:
 - a. Brown Act of 1953
 - b. Corporations Code – Board of Directors, Quorum, Voting
 - c. California Public Records Act
3. City and Local Statutes
4. Constitution: Name; Object
5. Bylaws: A Society's Business Defined
6. Rules of Order (Robert's): Everything else
7. Standing Rules: Maintenance rules and operational policies
8. Customs: Scary part

Sacramento City College Agenda (Order of Business) - Chronology and Authority

- I. Opening
 - a. Call to Order – one rap of gavel
 - b. Roll Call – off an formal roster, not off the attendance sheet
 - c. Adoption of Agenda – 'If there is no objections the agenda will be adopted.'
 - d. Adoption of Minutes – 'If there is no objections the agenda will be adopted.'
- II. Public Forum – The public addresses the board. The board members listens.
- III. Appointments – Check with the Advisors for candidate documentation
 - a. Nominations – Expeditiously
 - b. Candidate Interviews - Expeditiously
 - c. Elections – Expeditiously
- IV. Business – We need a 20 word description of the topic and the expected motion.
- V. Reports –
 - a. All officers, coordinators, and representatives are expected to give a brief update of their group as time will allow.
 - b. The Advisors' Report is critical. We must make time for it at every meeting.
- VI. Topics for Next Meeting Agenda
- VII. Adjournment – 'If there is no objections this meeting is adjourned'. One rap of gavel

Parliamentary Workshop

Sacramento City College - January 12, 2015



Dos and Don'ts of Minute Taking

Make sure you ...

1. DO use the agenda as a guide;
2. DO record the kind of meeting, date, time, and location;
3. DO record the presiding officer's and the minute taker's complete name;
4. DO record the presence of a quorum if announced by the presiding officer;
5. **DO write the full name of the maker of every motion;**
6. **DO include the totals from the treasurer's report for previous balance, receipts, disbursements, and current balance;**
7. DO record the full names of officers and committee chairs who presented a report;
8. DO file complete signed reports of all written reports attached to the minutes as exhibits;
9. **DO enter motions and amendments in the exact wording as stated by the presiding officer and as finally adopted;**
10. **DO show the exact action taken on every motion (e.g., adopted, defeated, postponed, referred, laid on the table, etc.);**
11. **DO record all balloted or ordered counted votes, for and against;**
12. **DO record all Notices, Points of Order, Appeals (including the reason for the chair's ruling and the outcome of the appeal);**
13. DO include the category of business;
14. DO list the names of members elected or appointed to special committees, the name of each committee, and its purpose;
15. DO include important announcements pertaining to the whole society.

Make sure to ...

1. **NOT forget to check past minutes for agenda items;**
2. **NOT include the names of the seconders;**
3. **NOT include every detail from a report;**
4. **NOT include any content of the debate unless ordered to do so;**
5. **NOT include any motion withdrawn before the presiding officer stated it;**
6. **NOT include personal opinions or descriptive phrases;**
7. NOT include words of praise or criticism from anyone;
8. NOT forget to include the time of adjournment;
9. NOT close with "Humbly" or "Respectfully submitted,";
10. NOT forget to date and sign the minutes with your title, adding whether the minutes were later adopted with or without corrections.

Parliamentary Workshop

Sacramento City College - January 12, 2015



Debate Protocol (Similar to a trial in front of a judge.)

1. Only one person speaks at a time.
2. A speaker must be recognized before speaking.
3. All comments are made through the chair.
4. Comments are confined to the current issue.
5. Discussion should alternate between Pro and Con.
6. Have no right to complain; only have a right to make a motion.
7. No reading of lengthy papers.
8. No cross conversations; no interruptions.
9. No verbal attacks of other members.
10. If proper decorum cannot be maintained – call a recess.
11. Enforce the debate time limits (bylaws or the parliamentary authority).
12. Decisions are null and void in the absence of a quorum or proper posting.
13. The vote required to adopt a motion should always be very clear – majority or 2/3.
14. All decisions are binding on all members regardless of how a member voted.
15. All rules must be respected and obeyed – who can move, debate, vote.

Problem interrupting motions during debate

- Request for Information
- Question of Privilege (also, Adjourn, Recess)
- Point of Order (also, Previous Question, Division)

Temporary Disposition of a motion means that a motion is not adopted or defeated, yet.

There are a few motions that will accomplish this delay of a final decision:

1. ***Move to Lay the motion on the Table.***
This requires a temporary emergency. You probably have never seen this motion applied correctly especially in the movies.
2. ***Move to Postpone the motion.***
One may postpone the motion to later in the session or to the next meeting.
3. ***Move to Refer the motion.***
One may refer the motion to an ad hoc or a standing committee, and have the committee report at the next meeting or later.



Six Steps to Handling a Motion

A motion is a formal proposal by a member during a meeting that the assembly take certain action. The basic form of the motion is the Main Motion.

A Main Motion is brought before an assembly:

1. **Motion is moved:** While no motion is pending, a member rises and seeks recognition. Once she is recognized she has the exclusive right to be heard at that time. Member makes the motion, “I move we allocate \$300 to repair the computers.”
2. **Motion is seconded:** Someone without needing to be recognized, seconds the motion. The seconder is not claiming to agree with motion. The seconder is stating that the motion should be discussed and voted by the organization.
3. **Motion is stated:** The chair states the question, “It is moved and seconded to allocate \$300 to repair the computers.” As the chair turns to the maker of the motion, she states, “Are you ready for the question?” The motion no longer belongs to the mover; it belongs to the assembly.

A Main Motion is considered by the assembly:

4. **Motion is debated:** All remarks by the members are made to the chair, never to or about another member. Debate can be closed only by a 2/3 vote by the assembly.
5. **Motion is put:** The chair says, “The motion is to allocate \$300 to repair the computers. All in favor of the motion indicate by saying, ‘Aye’.
All opposed to the motion indicate by saying, ‘No’.”
The wording of the motion when the question is put is the way it goes into effect.
A voice vote is the regular method when a majority vote is required for adoption.
A rising vote is the normal method when a 2/3 vote is required for adoption.
A ‘show of hands’ is intended for small assemblies or after an inconclusive voice vote.
6. **Vote is announced:** The chair makes the following 4 statements.
 - “The ‘ayes’ have it. Or, the ‘Noes’ have it.”
 - “The motion is adopted. Or, the motion is lost.”
 - The chair states the effect of the vote or orders its execution.
 - “The next item of business is ...”

Parliamentary Workshop

Sacramento City College - January 12, 2015



Amendments

1° Amendment (Form 1) – Insert or Add

1. Original Main Motion

I move that membership not be restricted on the basis of race, religion, etc.

2. What you really wanted was ...

I want to include 'age'.

3. You need to move to amend

I move to amend by inserting "age" after the word "religion".

4. If the amendment is adopted the main motion will read

I move that membership not be restricted on the basis of race, religion, **age**, etc.

DRILL: Primary Amendment (Form 1)

Ch: The motion is to purchase a printer system at a cost not to exceed \$1,500.

Are you ready for the question?

A: Madam Chair, I move **to amend** the motion by inserting ...

Z: ...

CH: It is moved and seconded to amend by inserting ...

Are you ready for the question?

[Assume some debate]

CH: The motion before you is to amend by inserting ...

All in favor ...

All opposed ...

The have it.

The motion to amend by inserting ... is ...

We are back to the main motion (as amended).

Are you ready for the question?

Parliamentary Workshop

Sacramento City College - January 12, 2015



1° Amendment (Form 2) – Strike

1. Original Main Motion

I move that membership not be restricted on the basis of race, age, genetic information, etc.

2. What you really wanted was ...

I don't want '**genetic information**' included.

3. You need to move to amend

I move to amend by striking "**genetic information**" after the word "**age**".

4. If the amendment is adopted the main motion will read

I move that membership not be restricted on the basis of race, age, etc.

DRILL: Primary Amendment (Form 2)

Ch: The motion is to purchase a printer system at a cost not to exceed \$1,500.

Are you ready for the question?

A: Madam Chair, I move **to amend** the motion by striking ...

Z: ...

CH: It is moved and seconded to amend by striking ...

Are you ready for the question?

[Assume some debate]

CH: The motion before you is to amend by striking ...

All in favor ...

All opposed ...

The have it.

The motion to amend by striking ... is ...

We are back to the main motion (as amended).

Are you ready for the question?

Parliamentary Workshop

Sacramento City College - January 12, 2015



1° Amendment (Form 3) – Strike and Insert

1. Original Main Motion

I move that a majority be defined as **50% plus 1**.

2. What you really wanted was ...

I do not want the Hollywood version. I want the mathematical version.

3. You need to move to amend

I move to amend by striking “**50% plus 1**” and inserting “**greater than half**”.

4. If the amendment is adopted the main motion will read

I move that a majority be defined as **greater than half**.

DRILL: Primary Amendment (Form 3)

Ch: The motion is to purchase a printer system at a cost not to exceed \$1,500.

Are you ready for the question?

A: Madam Chair, I move **to amend** the motion by striking ... and inserting ...

Z: ...

CH: It is moved and seconded to amend by striking ... and inserting ...

Are you ready for the question?

[Assume some debate]

CH: The motion before you is to amend by striking ... and inserting ...

All in favor ...

All opposed ...

The have it.

The motion to amend by striking ... and inserting ... is ...

We are back to the main motion (as amended).

Are you ready for the question?

Parliamentary Workshop

Sacramento City College - January 12, 2015



2014 Amendment to the Brown Act

SB 751 – Reporting of Each Member’s Vote

SB 751 amends the California Open Meeting Law (Brown Act) to require the votes (or abstentions) of each member of a board under the Brown Act to be reported publicly (and in the minutes). The total of ‘ayes’ and ‘noes’ no longer provides enough public transparency.

The transparency is necessary at the meeting in front of the public, as well as in the minutes for future access by the public. This reporting is similar to that which is already required of closed sessions and teleconference meetings when such are authorized.

The wording of the SB 751 amendment is as follows:

“54953 (c) (2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”

Options:

1. **Roll Call:** Though a clear option, the amendment does not limit the publicly reported voting results to this method due to the excessive consumption of time.
2. **“If there is no objection”:** As long as attendance is included in the minutes, the Presiding Officer could use this effective approach adding that the action was decided with unanimous consent. Unless someone objects, the resulting unanimous consent indicates that everyone on the attendance list voted in favor of the action.
3. **Voice Vote:** The traditional Voice Vote would suffice if the vote were unanimous and no one abstained. In which case, the Presiding Officer would indicate that everyone voted in favor (or against) the action. If the vote were not unanimous or if someone wished to abstain, the Presiding Officer would have to inquire how each member voted and who abstained. This would be time consuming if the board were greater than 5 members.
4. **Open Ballot:** Ballots could be used by the board members. Each member would print his/her name and his/her vote (e.g., Yes, No, Abstain, name of candidate, etc.) The Presiding Officer would then read the name and the vote from each ballot for the Secretary to include in the minutes.
5. **Raising Hands (or Standing):** Probably the most efficient and most accurate approach would be to take the vote by the raising of hands (or standing). The Presiding Officer could then pronounce each member’s name and how each voted for the Secretary to include in the minutes.

Parliamentary Workshop

Sacramento City College - January 12, 2015



The Brown Act of 1953 (California Government Code §54950-54963)

Before the Meeting:

1. Public need not identify self (§54953.3)

- a. A member of the public shall not be required as a condition of attendance to register or to supply any identification.
- b. If a sign in sheet is used, it shall clearly state that signing in is strictly voluntary.

2. Agenda packet (§54954.1)

- a. Any person may request in writing that a copy of the agenda, or a copy of all the documents constituting the agenda packet, be mailed to that person for a fee.

3. 72 hour posting (§54954.2 (a) (1))

- a. At least 72 hours before a regular meeting, the board shall post an agenda containing a brief general description of each item of business to be transacted at that meeting including items for a closed session.
- b. No action or discussion shall be undertaken on any item not posted on the agenda 72 hours before the regular meeting. Except the following.

Exception #1: Upon the determination by a majority vote that an emergency situation exists.

Exception #2: Upon determination by a 2/3 vote (if less than 2/3 of the members are present, a unanimous vote is necessary) that there is a need to take immediate action, and that the need of the action came to the attention of the board subsequent to the posting of the agenda.

Exception #3 The item was posted for a prior meeting that occurred not more than 5 days before and the prior meeting was continued to the current meeting.

4. Public may address the board (§54954.3 (a))

- a. Every agenda shall provide the public an opportunity to directly address the board.
- b. This is allowed before or during the board's consideration of an item.
- c. The public may speak on any topic that is within the subject matter jurisdiction of the board.
- d. However, the public need not be afforded an opportunity to speak on topics already discussed openly at a committee meeting where the public had an opportunity to speak.

5. Time limits (§54954.3 (b))

- a. The board may adopt regulations to limit the total amount of time allocated for a particular issue and for each speaker.

6. Public speaking prohibitions (§54954.3 (c))

- a. The board may not prohibit public criticism of policies, procedures, programs, services or acts of omissions. This is how the Brown Act makes the meeting an Open Meeting.
- b. The Brown Act does not confer any privilege or protection for expression beyond that otherwise provided by law.

During the Meeting:

7. Secret ballot (§54953 (c))

- a. No action shall be decided by secret ballot.
- b. **Section 54953 (c) (2) – Every member's vote must indicate for/against/abstain.**

Parliamentary Workshop

Sacramento City College - January 12, 2015



8. Teleconference (§54953 (b))

- a. The board may use teleconference for the benefit of the public in connection with any meeting or proceeding authorized by law. However, the association's bylaws need to authorize the board to use teleconference.
- b. Teleconference devices may be used for all purposes within the subject matter jurisdiction.
- c. All votes shall be taken by roll call.
- d. The board shall post the agenda at each teleconference site.
- e. Each teleconference site shall be ADA accessible to the public.

9. Public may record (§54953.5 (a))

- a. Any person shall have the right to record the proceedings with audio or video or both.
- b. The recording cannot disrupt the meeting with noise, illumination, or obstruction.
- c. If the board records the meeting, the board shall allow the public to inspect it on the board's equipment for up to 30 days.

10. Closed session (§54954.5)

- a. Closed sessions are prohibited by the Brown Act except for 17 situations related to negotiators, litigation, liability claims, employee evaluation, employee discipline, trade secrets, etc.

11. Report from closed session (§54957.7)

- a. The board shall report any action taken in closed session and the vote by each member.

12. Willful interruption (§54957.9)

- a. If any meeting is willfully interrupted so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by removal of the problem individuals, the board may order the room cleared and continue the meeting.
- b. The board shall allow the press and individuals not causing the disturbance to reenter the meeting room.

After the Meeting:

13. Standing committees (§54952 (b))

- a. Regardless of composition, as long as it has a continuing subject matter jurisdiction, or a fixed meeting schedule by formal action, a standing committee falls under the Brown Act.

14. Conference fees (§54952.2 (c) (2))

- a. The public does not have free admission to a conference which the organizer has required other participants to pay fees as a condition of attendance.

15. Public may broadcast (§54953.6)

- a. Any person shall have the right to broadcast the proceedings (audio and/or video.)
- b. The broadcast cannot disrupt the meeting with noise, illumination, or obstruction.

16. Courts (§54960.5)

- a. A court may award court costs and reasonable attorney fees to the plaintiff (the public) if it finds that the board has violated the Brown Act.
- b. Similarly for the defendant (the board) where the court finds the action brought to the court was clearly frivolous and totally lacking in merit.

Parliamentary Workshop

Sacramento City College - January 12, 2015



Brown Act Meeting Types	Post and Notice	Ordered by
Regular (§ 54954.2)	Post at least 72 hours before the meeting. Notice mailed to those on a list for a minimal fee.	Ordered per bylaw or motion
Adjourned (§ 54955)	Post at least 24 hours after adjournment of original meeting that set the adjourned meeting. Posted near the door! If the hour is omitted, the hour is that of the regular meeting. Notice in same manner as in Special Meeting.	Ordered by majority vote at regular meeting, adjourned meeting, or special meeting. Quorum is not required. If all members are absent, clerk or secretary may declare adjournment and set the adjourned meeting.
Special (§ 54956)	Post at least 24 hours before the meeting. Written notice to each member and media (that requested it) at least 24 hours before the special meeting. Written notice is dispensed with if member waives it or attends meeting. May be called to discuss budget but not salaries.	Ordered by presiding officer or majority of the members
Emergency (§ 54956.5)	Post at least 24 hours before, if possible. Notify the media (that requested it) at least 1 hour before, or when possible. Minutes shall be posted for at least 10 days as soon as possible.	Ordered by majority of members for conditions of work stoppage, crippling activity, impaired public health or safety.
Dire Emergency (§ 54956.5)	Post at least 24 hours before, if possible. Notify the media (that requested it) at least 1 hour before, or when possible. Minutes shall be posted for at least 10 days as soon as possible.	Ordered by majority of members for conditions of crippling disaster, mass destruction, terrorist act, endangered public health or safety.

Parliamentary Workshop

Sacramento City College - January 12, 2015



Purpose and Form for Each Motion (Beware of Order of Precedence)	
Purpose	The Motion and its Form
Propose some action	Main Motion I move to donate \$50 to preserve the habitat of the Clay Pigeon.
Improve a proposal	Amend I move to amend the motion by striking \$50 and inserting \$75.
Change the amount of time for discussion	Limit or Extend Debate I move to limit debate to 1 minute per speaker.
Stop discussion and vote now	Close Debate I call the previous question.
Delay a decision	Refer I move to refer the motion to the bylaws committee Postpone to a Certain Time I move to postpone the motion until after the break. Recess I move to recess for 5 minutes.
Kill a motion	Postpone Indefinitely I move to postpone the motion indefinitely.
Deal with an emergency	Lay on the Table I move to lay the motion on the table. Suspend the Rules (Not Suspend the Orders of the Day) I move to suspend the rules that prohibit us from taking up the new business now.
Obtain information	Parliamentary Inquiry Mr. Chair, if we adopt this motion can we rescind it tomorrow? Request for Information Mr. Chair, can the treasurer tell us if we have enough money for this motion?
Challenge the ruling of the chair	Point of Order Point of Order. We cannot vote on this motion. There is already another motion on the floor. Appeal I appeal from the decision of the chair.
Assure the accuracy of the voice vote	Division Division. Division.
Close the meeting	Adjourn I move to adjourn.

Parliamentary Workshop

Sacramento City College - January 12, 2015



Ranking of Selected Motions

	Interrupt	Second	Debate	Amend	Vote
PRIVILEGED MOTIONS					
13. Fix the Time to Which to Adjourn		S		A	M
12. Adjourn		S			M
11. Take a Recess		S		A	M
10. Raise a Question of Privilege	I				C
9. Call for the Orders of the Day	I				C**
SUBSIDIARY MOTIONS					
8. Lay on the Table		S			M
7. Previous Question		S			2/3
6. Limit or Extend Limits of Debate		S		A	2/3
5. Postpone to a Certain Time		S	D	A	M**
4. Commit (Refer)		S	D	A	M
3. Amend		S	D**	A	M
2. Postpone Indefinitely		S	D		M
1. MAIN MOTION		S	D	A	M
INCIDENTAL MOTIONS (No Ranking)					
Appeal	I	S	D		M
Division of Assembly	I				**
Point of Order	I				C**
Request for Information					C
Suspend the Rules (that prohibit)		S			2/3
BRING AGAIN BEFORE ASSEMBLY					
Rescind/Amend Something Prev Adopted		S	D**	A	**
Reconsider the Vote		S	D		M
Discharge a Committee		S	D**	A	**
Take from the Table		S			M

** See Robert's Rules
 C Chair Decides
 I Can Interrupt

S
 A, D
 M or 2/3

Requires a Second
 May be Amended, Debated
 Vote Required to Adopt