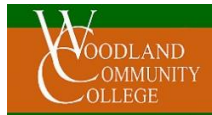


The Majority Rules, But Why Let Them

Providing High Quality Education and Fostering Student Success



Lorenzo R Cuesta
Professional Registered Parliamentarian
<http://www.roberts-rules.com>
parliam@roberts-rules.com



Parliamentary Workshop

SSCCC Region II -- February 15, 2016



Table of Contents

Page	Concept
3	The Brown Act of 1953
6	Dos and Don'ts of Minute Taking
7	Debate Protocol
8	Six Steps to Handling a Motion
9	Script A: Handling a Motion
12	Amendments – Insert or Add
13	Amendments – Strike
14	Amendments – Strike and Insert
15	Suspend The Rules that Prohibit
16	Purpose and Form for each Motion
17	Strategy through Parliamentary Procedure
18	Ranking of Selected Motions



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 as included on the posted agenda.

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

SSCCC Region II -- February 15, 2016



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 real property or labor negotiators, litigation, liability claims, employee (appointment, evaluation, or discipline), trade secrets, etc. (Notice that attorney-client privileges are limited.)

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 board) if it finds that the board has violated the Brown Act.
- b. Similarly, for the defendant (the public) where the court finds the action brought to the court was clearly frivolous and totally lacking in merit.

Parliamentary Workshop
SSCCC Region II -- February 15, 2016



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



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 (Roll Call?);
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 (*Brown Act!*);**
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 debate unless ordered by the assembly 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.



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

1. A speaker must be recognized before speaking.
2. Only one person speaks at a time.
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. Speak again only after others have spoken once.
8. No reading of lengthy papers.
9. No cross conversations; no interruptions.
10. No verbal attacks of other members.
11. If proper decorum cannot be maintained – call a recess.
12. Enforce the debate time limits (bylaws or the parliamentary authority).
13. Decisions are null and void in the absence of a quorum or proper posting.
14. The vote required to adopt a motion should always be very clear – majority or 2/3.
15. All decisions are binding on all members regardless of how a member voted.
16. All rules must be respected and obeyed – who can move, debate, vote.

Problem motions during debate

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

Useful phrases to help move debate along:

1. **Are you speaking in favor or against the motions?**
In other words: *“Please adhere to the merits of the pending motion.”*
2. **Do you have anything to add that we have not already heard on the motion?**
In other words: *“Stop rambling and repeating yourself. Get to your point.”*
3. **Does anyone wish to speak who has not yet spoken on this motion?**
In other words: *“Otherwise, the speaker will continue to monopolize the debate.”*



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 ...”

**Beware the Brown Act requirements*



Script A: Handling a Motion

We join the regular monthly meeting during the 'New Business' part of the agenda.

[Nine speaking roles – CH, A, B, C, D, E, F, G, Z]

CH: The first item under New Business is the purchase of the council's printer system.

[Step 1]

A: Madam Chair *[Rises and is recognized]*

I move that the council purchases a printer system at a cost not to exceed \$1,500.

[Step 2]

Z: Second

[Step 3]

CH: It is moved and seconded that the council purchase a printer system at a cost not to exceed \$1,500.

[Step 4]

Are you ready for the question? *[Or, - Is there any debate? Are you ready to vote?]*

A: and B: *[Simultaneously]* Madam Chair. *[Both rise seeking recognition]*

A: I have distributed several documents illustrating the specifications and benefits of the best printer model under \$1,500. That is the one I suggest we purchase.

B: Madam Chair. Shouldn't we buy a new screen instead? Why can't we replace the microphone system instead? I know, let's buy an iPad for each officer, instead.

CH: Thank you for your comments. Are you ready for the question?

A: *[Is recognized and begins to speak for the second time.]*

C: Madam Chair, Point of Order.

CH: What is your Point of Order?

C: Member A has already spoken once and there are others seeking to speak. Member A should not be recognized again yet.

CH: Your point is well taken. Member A will please sit down.



[Illustration of Ranking of Motions]

E: Madam Chair, [recognized] I move to amend by striking "\$1,500" and inserting "\$2,000".

Z: Second

CH: It is moved and seconded to amend by striking "\$1,500" and inserting "\$2,000". Is there any discussion?

F: Madam Chair, [recognized] I move to refer the motion to the Finance Committee.

Z: Second

CH: It is moved and seconded to refer the motion to the Finance Committee. Is there any discussion?

G: Madam Chair, [recognized] I move to postpone the motion until after lunch.

Z: Second

CH: It is moved and seconded to postpone the motion until after lunch. Is there any discussion.

CH: All in favor of postponing the motion until after lunch indicate by saying, 'Aye'. [Few]

Those opposed say, 'No' . [Everyone]

CH: Motion fails.

CH: The question before you now is the motion to refer the main motion to the Finance Committee. Is there any discussion?

CH: All in favor of referring the motion to the Finance Committee, say 'Aye'. [Few]

Those opposed say, 'No' . [Everyone]

CH: Motion fails.

CH: The question before you now is the motion to amend by striking '\$1,500' and inserting '\$2,000'. Is there any discussion?

CH: All in favor of amending the motion indicate by saying, 'Aye'. [Few]

Those opposed say, 'No' . [Everyone]

CH: Motion fails.

Parliamentary Workshop

SSCCC Region II -- February 15, 2016



CH: The question before you now is the main motion. Is there any discussion?

D: Madam Chair, Request for Information.

CH: What is your question Member D?

D: Do we have the right to spend up to \$1,500 on a printer system?

CH: The council has already been authorized to spend a certain amount of money on business equipment as long as it is for the benefit of the student body.

Are you ready for the question?

[Step 5]

CH: The question before you is, shall the council purchase a printer system at a cost not to exceed \$1,500?

All in favor of the motion indicate by saying, 'Aye'. *[Half say, 'Aye'.]*

All opposed to the motion indicate by saying, 'No'. *[Half say, 'No'.]*

[Step 6]

The 'Ayes' have it. The motion is adopted.

Z: Division. Division.

Ch: Division has been call for.

We need to retake the vote, but by rising.

All in favor of the motion indicate by rising. *[Most do so.]*

All opposed to the motion indicate by rising. *[Few do so.]*

The 'Ayes' have it. The motion is adopted.

The council will purchase a printer system at a cost not to exceed \$1,500.

The next item under New Business is ...



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)

A: (Waits to be recognized) I move that ...

Z: ...

CH: The motion is [*as created by a volunteer*].

Are you ready for the question?

B: 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?



Amendments

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)

A: (Waits to be recognized) I move that ...

Z: ...

CH: The motion is [*as created by a volunteer*].

Are you ready for the question?

B: 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?



Amendments

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)

A: (Waits to be recognized) I move that ...

Z: ...

CH: The motion is [*as created by a volunteer*].

Are you ready for the question?

B: 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?



Suspend the Rules (not 'Suspend the Orders of the Day')

When an assembly wishes to do something it cannot do without violating its regular rules, it can adopt to '**Suspend the Rules**' that interfere with the proposed action.

This motion cannot be debated or amended, however it does have other restrictions.

- I. A Standing Rule may be suspended with a majority vote.
- II. Rules of Order (Robert's) may be suspended with a 2/3 vote (except FPPL).
- III. The following may not be suspended even with unanimous consent.
 - A. Bylaws or Constitution unless they provide for their own suspension.
 - B. Federal, State, or local laws
 - C. Fundamental Principles of Parliamentary Law (FPPL):
 - 1. Rule that allows only one question at a time
 - 2. Rule that allows only members to vote
 - 3. Rule that prohibits absentee or cumulative voting
 - 4. Rule that protects absentees or basic rights of individuals
 - a. Rule requiring presence of a quorum
 - b. Rule requiring a notice
 - c. Rule protecting the right to attend meeting, make motion, speak in debate, and vote

Drill

"I move to suspend the rules that interfere with listening to the committee's report."

For each of the following,

1. Move a motion to **suspend the rules that prohibit** the action;
2. State if the rule can be suspended; and
3. State what the necessary vote for adoption would be.

You want to **suspend the rules that prohibit** the following actions. Make the motion:

- a. To allow delegates to sit wherever they wish
- b. To allow a speaker to debate an additional 2 minutes
- c. To allow smoking in the assembly room
- d. To allow voting by mail
- e. To allow election of officers by a show of hands
- f. To take up 2 motions at one time
- g. To allow the voting in the absence of a quorum
- h. To allow members at the convention without their required name tags
- i. To dispense with the listening to the Treasurer's Report
- j. To not require a resolution in writing at the convention

Parliamentary Workshop

SSCCC Region II -- February 15, 2016



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

SSCCC Region II -- February 15, 2016



Strategy through Parliamentary Procedure (Beware of Order of Precedence)	
You support the motion	You oppose the motion
Second it promptly and enthusiastically.	Do not second it. Distract the seconder.
Speak in favor of it as soon as possible.	Speak against it as soon as possible. Ask questions that put the proponents on the defensive.
Move to amend it to make it more acceptable. Speak against any amendment that makes the motion less acceptable to you.	Move to amend it, to encumber it adversely. Move to amend it so as to remove what displeases you, or adds what pleases you.
Vote against postponement unless it will strengthen your motion.	Move to postpone to a time when your friends will be there or when others will forget about the motion.
Vote against referring to a committee unless you can vote your friends as committee members. Vote to refer to a committee if defeat appears likely.	Move to refer to a committee and fill the committee with your friends. Vote against referring to a committee if defeat is likely.
Vote against a recess unless you can use it to bring in more of your friends or more facts.	Move to recess so that you can convince some more voters or bring in more friends or more facts.
Make sure your friends do not leave to assure that you have a quorum .	Question the presence of a quorum .
On a voice vote , vote emphatically.	On a voice vote , vote emphatically.
Move to divide the motion if it will strengthen the motion.	Move to divide the motion if it will weaken the motion.
Review your parliamentary authority before the motion comes up.	Review your parliamentary authority before the motion comes up.
Use Point of Order as a shield.	Use Point of Order as a sword.
Beware of the timing on the agenda to assure that the motion is not abandoned.	Use the timing on the agenda to terminate consideration of the motion.
Vote against adjournment in order to continue discussing the motion and to reach a vote.	Move to adjourn to prevent further discussion or a vote.

Parliamentary Workshop

SSCCC Region II -- February 15, 2016



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	I				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