

Know Rules or No Rights

Building Collaborative Leadership



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Parliamentary Workshop

SSCCC Region 1 Summit --- April 28, 2012



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 ..."

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Script A: Handling a Motion

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

[Seven speaking roles – CH, A, B, C, D, E, Z]

CH: Our first New Business is the \$1,000 Region 1 donation.

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

I move to buy audio/visual equipment with the \$1,000 Region 1 donation.

Z: Second

CH: It is moved and seconded to buy audio/visual equipment with the \$1,000 Region 1 donation.

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: *[Is recognized and gives 2 sentences in support of her motion and then sits down.]*

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

I move to amend the main motion by inserting “for the Annual Meeting” before the word, “with”.

Z: Second

CH: It is moved and seconded to insert “for the Annual Meeting” before the word, “with”.

If amended the motion would read, “to buy audio/visual equipment for the Annual Meeting with the \$1,000 Region 1 donation.”

Are you ready for the question?

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

B: *[Is recognized and gives 2 sentences in support of her amendment and then sits down.]*

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

I move to postpone the motion indefinitely.

CH: The motion is not in order at this time. Is there any further discussion?

C: OK, then, I move to postpone the motion because we need more information, and ...

CH: *(Interrupting Ms. C)* You are discussing your motion before it is on the floor. We do not even have a second, yet.

Z: Second

CH: It is moved and seconded that the motion be postponed until the next meeting.

Are you ready for the question? *[Silence]*



CH: The question before you is to postpone the motion until the next meeting.

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

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

The 'Noes' have it. The motion is lost.

The motion will not be postponed.

The question before you is the amendment to insert "for the Annual Meeting" before the word, "with". Are you ready for the question?

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

I move to refer the motion to the Acquisitions Committee with instructions to report next month.

Z: Second

CH: It is moved and seconded that the motion be referred to the Acquisitions Committee with instructions to report next month.

Are you ready for the question? *[Silence]*

CH: All in favor of the motion indicate by saying, 'Aye'.

[Entire right side of the room says, 'Aye'.]

All opposed to the motion indicate by saying, 'No'.

[Entire left side of the room says, 'No'.]

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

Z: Division. Division.

CH: Division of the assembly has been called.

All in favor of the motion please rise. *[Entire right side of the room rises. No count is taken.]*

Thank you. Please be seated.

All opposed to the motion please rise. *[Entire left side of the room rises. No count is taken.]*

Thank you. Please be seated.

The 'Noes' have it. The motion is lost.

The motion will not be referred.



CH: The motion before you is the amendment to insert “for the Annual Meeting” before the word, “with”. Are you ready for the question? *[Silence]*

All in favor of the motion indicate by saying, ‘Aye’. *[Everyone says, ‘Aye’.]*

All opposed to the motion indicate by saying, ‘No’. *[Silence]*

The ‘Ayes’ have it. The amendment is adopted.

The motion now reads, “to buy audio/visual equipment for the Annual Meeting with the \$1,000 Region 1 donation.”

Are you ready for the question?

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

I move the previous question.

Z: Second

CH: The previous question has been demanded.

As many as are in favor of closing debate and ordering the previous question, please rise. *[All rise]* Thank you. Please be seated.

As many as are opposed to closing debate and ordering the previous question, please rise. *[No one rises]* Thank you.

There are 2/3s in the affirmative. The motion is adopted.

The previous question is ordered.

CH: The motion before you is, “to buy audio/visual equipment for the Annual Meeting with the \$1,000 Region 1 donation.”

All in favor of the motion indicate by saying, ‘Aye’. *[Everyone says, ‘Aye’.]*

All opposed to the motion indicate by saying, ‘No’. *[Silence]*

The ‘Ayes’ have it. The motion is adopted.

The treasurer is instructed to research the possibilities.

The next item on the agenda is ...

Script A Page 3

[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.]

Parliamentary Workshop

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Script C: Point of Order and Appeal

[During the president's report, the president wishes to handle an item from New Business. The president tries to add new business with a majority vote. [6 speakers – CH, Comm CH, A, B, C, D]

Ch: All in favor of allowing the new business say, "Aye". *[Just over half respond.]*
Those opposed say, "No". *[Less than half respond.]*

The "Ayes" have it. The new business is added to the agenda.

Ch: The next business in order is to hear from the Budget Committee's support of this new business. The chair of the committee will please explain.

Committee Ch: The committee has always believed that ...

A: Point of Order, Madam Chair.

Ch: We are in the middle of a report. Can't you show some manners and wait?

A: Madam Chair, I rise to a **point of order**, or is it a Point of Parliamentary Inquiry?

Ch: For goodness sakes! What is so important that you have to interrupt our business?

A: Our bylaws clearly state that it takes a 2/3 vote to add any new business to the agenda. You added the new business with a mere majority. The motion to add new business failed.

Ch: You are too late with your point of order. Keep up with the conversation.

Ch: The committee chair shall proceed with her report.

A: Madam chair. Is that your **ruling** on my point of order?

Ch: Obviously. Weren't you paying attention? Let us listen to the committee's report.

A: **I appeal from the decision of the chair!**

B: Second

Ch: Fine. Since you insist. There is an appeal from a righteous ruling by the chair. The confused member believes that the vote necessary to add new business to our agenda is a 2/3 vote. I will explain how I am infallible.

Anyone else who wishes to discuss the issue and show her limited understanding of our bylaws may speak, but I get to speak again after everyone else has spoken.

Script C Page 1



Ch: It is a well know fact that rules can be suspended when dealing with important issues. There is nothing more important than dealing with new business. I chose to suspend the 2/3 vote required by the bylaws. I took the vote correctly, and I am the president.

A: A bylaw may never be suspended regardless of how inconvenient it may appear. Even under unanimous consent, a bylaw may not be suspended. *[p. 263 line 1]*

B: Though most point of orders must be made before a new issue is introduced, a point of order related to a violation of a bylaw has no such time limitation. *[p. 251 line 9]*

C: A 2/3 vote cannot even be taken with a voice vote. It must be taken with a rising vote or a show of hands. *[p. 401 line 29]*

Ch: Does anyone else want to show how little she understands my role as your president?

Ch: I will close debate by reminding you that when you elected me your president, you delegated to me the authority to make these difficult decisions. *[p. 255 line 26]*

Ch: We are going to vote now. The question before you is “**Shall the decision of the chair be sustained?**” This means that a tie will not defeat my decision. Only a majority in the negative will defeat my decision. Also, I can vote to cause a tie, if I want to. *[p. 258 line 16]*

Ch: **As many as are in favor of sustaining the decision of the chair** say, “Aye”. *[Few vote]* Those opposed say , “No”. *[Most vote]*

Ch: The “Ayes” have it. **The decision of the chair is sustained.** Thank you all. We will now continue listening to the committee’s explanation.

D: Division. Division. *[p. 280 line 10]*

Ch: A division of the assembly has been demanded.

All in favor of sustaining the decision of the chair, please rise. *[Few rise]* Thank you. Please be seated. All opposed, please rise. *[Almost everyone rises]* Thank you, please be seated. It appears to be very close, but I will show you how noble and magnanimous I am. I will yield.

The amendment of the agenda failed. We will return to the President’s Report.

Script C Page 2

Parliamentary Workshop

SSCCC Region 1 Summit --- April 28, 2012



Script D: Reconsider the Vote (Move and Call)

[We join the monthly meeting of Region X. [6 speakers – CH, A, B, C, D, Z]]

CH: The motion before you is “to support Legislation AB 123.”

All in favor of the motion indicate by saying, ‘Aye’. *[Everyone says, ‘Aye’.]*

All opposed to the motion indicate by saying, ‘No’. *[Silence]*

The ‘Ayes’ have it. The motion is adopted.

The chair of the Legislative Committee will draft a letter for the chair’s signature.

The next item on the agenda is Legislation AB 456.

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

I move that we support Legislation AB 456.

Z: Second

CH: It is moved and seconded that we support Legislation AB 456.

Are you ready for the question?

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

I have researched this legislation and I know it is good for us. Trust me.

CH: Are you ready for the question?

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

I move to reconsider the vote on Legislation AB123. I voted on the prevailing side.

Z: Second

CH: The secretary will make a note that it was moved and seconded to reconsider the vote on Legislation AB123.

B: Let me explain why it is critical that we ...

CH: Member B, we are in the middle of another motion. Though you may move to reconsider a vote now, you cannot call it up until there is no motion pending. Please continue Member A.

B: I knew that.

A: I was just saying, ...perhaps,... maybe, ...I guess I am done.

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

I have researched this legislation and I know it is terrible for us. Trust me.

CH: Are you ready for the question?

CH: The motion before you is “to support Legislation AB 456.”

All in favor of the motion indicate by saying, ‘Aye’. *[Everyone says, ‘Aye’.]*

All opposed to the motion indicate by saying, ‘No’. *[Silence]*

The ‘Ayes’ have it. The motion is adopted.



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

I call up the motion to reconsider the vote on Legislation AB 123.

CH: The motion to reconsider the vote is called up.

B: Let me explain why it is critical that we not support Legislation AB 123.

D: Point of Order

CH: What is your Point of Order?

D: Member B is debating a motion that has not yet been seconded.

CH: Your point is not well taken.

The motion to reconsider a vote has 2 parts, to move and to call. Only the move part requires a second. And, it was seconded when it was moved. Please continue Member B.

B: During the debate of the last motion I was bored with the discussion so I was catching up with my Facebook page. I came across a posting that all of you need to hear about.

[After much mindless and pompous bickering by Member A and Member B...]

CH: Are you ready for the question?

CH: The motion before you is whether or not to reconsider the vote on AB 123.

All in favor of reconsidering the vote indicate by saying, 'Aye'. *[Everyone says, 'Aye'.]*

All opposed to reconsidering the vote indicate by saying, 'No'. *[Silence]*

The 'Ayes' have it. The motion to reconsider the vote is adopted.

CH: Member B, you may debate the original motion in support of AB 123.

B: Oh, no thanks. I have said enough.

CH: Are you ready for the question?

CH: The motion before you is "to support legislation AB 123."

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

All opposed to the motion indicate by saying, 'No'. *[Everyone says, 'No'.]*

The 'Noes' have it. The motion is defeated.

The chair of the Legislative Committee will not draft a letter for the chair's signature.

Script D Page 2

Parliamentary Workshop
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The Brown Act of 1953



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.

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 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 (§54957.1 (a))

- 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 if it has its meeting schedule fixed 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

SSCCC Region 1 Summit --- April 28, 2012



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.

Purpose and Form for Each Motion

(Beware of Order of Precedence)



Purpose	The Motion and its Form
Propose some action	Main Motion I move that we 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.



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 Orders of the Day		S			2/3
BRING AGAIN BEFORE ASSEMBLY					
Rescind/Amend Something Prev Adopted		S	D**	A	**
Reconsider		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 Requires a Second
 A May be Amended
 M or 2/3 Vote Required to Adopt