

The Majority Rules, But Why Let Them

Working Together, Pursuing Excellence, Inspiring Achievement



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Parliamentary Workshop

Sacramento City Colleges -- July 13, 2016



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Hierarchy of Governance

- ↖ Federal Statutes
- ↖ State Laws:
 - ✓ Corporations Code
 - ✓ Education Code
 - ✓ California Public Records Act
 - ✓ Brown Act (Open Meeting Law)
- ↖ County Statutes
- ↖ City Statutes
- ↖ Los Rios Community College District
 - ↖ Policies
 - ↖ Regulation
 - ↖ Committees
- ↖ Sacramento Community College
 - ↖ Rules
 - ↖ Protocol
 - ↖ Procedures
 - ↖ Standards of Conduct
 - ↖ Student Associated Council
 - ↖ SCC Student Senate
 - ↖ SCC Club and Events Board
 - ↖ SCC Joint Budget Committee
- ↖ Constitution: Highest requirements for change
- ↖ Bylaws: A Society's Business Defined
 - ↖ Senate Bylaws
 - ↖ CABA Bylaws
- ↖ Rules of Order (Robert's): Everything else
- ↖ Standing Rules: Routine maintenance rules
- ↖ Customs: Scary part



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*



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.**

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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.

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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.

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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.

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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