

Parliamentary Workshop

CSAP Sierra Area Institute - April 21, 2012



Hierarchy of Governance

- 🔪 Federal Statutes
- 🔪 State Laws:
 - ✓ Corp. Code – Board of Directors, Quorum, Voting
 - ✓ Open Meeting Laws:
Ralph Brown Act, Davis-Stirling Act, Gloria Romero Act, Bagley-Keene Act
- 🔪 City and Local Statutes
- 🔪 Constitution: Name; Object
- 🔪 Bylaws: A Society's Business Defined
- 🔪 Rules of Order (Robert's): Everything else
- 🔪 Standing Rules: Maintenance rules and policies
- 🔪 Customs: Scary part

Why Parliamentary Procedure?

Problem 1: Meeting Environment

- 🔪 We have always done it this way
- 🔪 Bring a knife to a gun fight
- 🔪 Three types of members
 1. VIPs
 2. Non-believers
 3. Cooperative ones

Problem 2: Chair Culpably Fails to Perform Duties of the Chair

- 🔪 Chair fails to recognize a member entitled to the floor;
- 🔪 Ignores a motion properly made and seconded;
- 🔪 Neither states the question, nor rules it out of order; or
- 🔪 Refuses to listen to points of order or appeals.

Solution: Depends on how the chair became the chair (RONR (11th ed.), §62).

Was appointed or elected as chair pro tem	Is the Association's President (Officer)
Member moves to declare the chair vacant. Members proceed to elect a new chair.	Member moves to Suspend the Rules so as to remove the authority to preside from the chair.
Majority vote required for incidental main motion.	2/3 vote required to Suspend the Rules.
This motion is handled by the secretary.	This motion is handled by the next highest ranking officer, or a person nominated by the assembly.
If chair refuses, motion is handled by mover.	If chair refuses, motion is handled by mover.

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Fundamental Principles of Parliamentary Procedure

The core of Robert's Rules of Order is what the author refers to as the Fundamental Principles of Parliamentary Procedure (RONR (11th ed.), p.263-265).

1. These can not be suspended even with a unanimous vote.
2. If any of these fundamental principles is violated, a point of order does not need to be timely. As long as the violation exists, there is a breach of a continuing nature, and a point of order can be made at any time.
3. The association members may limit their rights thorough their bylaws.

Here is a list of those fundamental rights.

1. Fundamental Principles

- a. **One Question:** Only one question may be considered at a time.
- b. **Voting:** Members must be present at the voting time in a properly called meeting in order to vote. Non-members may not vote.
- c. **Absentee Voting:** Not allowed – teleconference, proxy, by mail, email.
- d. **One member – One Vote:** No cumulative voting.

Other Fundamental Rights

2. Protection of Absentees:

- a. **Quorum:** If a body does not have the authority to change the quorum, even 100% attendance cannot change it.
- b. **Notice:** If stated as required, this requirement cannot be suspended.
- c. **Special meeting:** Issues that may be handled are limited to the call.

3. Member's Basic Rights: Only disciplinary proceedings may deny a particular member any of the following rights:

- a. Right to attend meetings,
- b. Right to make motions,
- c. Right to nominate,
- d. Right to speak in debate,
- e. Right to give previous notice,
- f. Right to vote.

4. **Agenda:** Even with a unanimous vote, the assembly does not have the power to dispense with all, or part of, the adopted order of business.

5. **Action Outside of Meeting:** Rules that have their application outside of the session which is in progress cannot be suspended.

6. **Postponement:** An assembly cannot postpone a question beyond the next session, or to a session that will be held after more than a quarterly time interval has lapsed.

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Drill: Are the following motions in order, or can they be made to be in order?

One Question at a Time:

1. I move to suspend the rules and take Motion A from the table.
2. I move to paint the Tower Bridge orange and to offer free train rides in Old Sacramento.
3. I move to paint the Tower Bridge orange and the warning signs purple.

A Member's Right to Move Motions:

1. The board of directors is conducting its conference planning meeting in a room full of association members. After some heated arguments a member of the association moves to ad another educational session.
2. I move to suspend the rule that prohibits us from attending more than 3 conferences in one year.
3. I move to postpone this question until the meeting after the next one so that we have enough time to review the consequences.
4. I move to dispense with the reading and the adopting of the minutes.
5. Since we have debated and voted on the item that was specified in the call to this Special Meeting, I move we complete the handling of the motion we left unfinished at the last session.

Voting:

1. I move that since we have 3 candidates that we cast 3 votes for our first choice, 2 votes for our second choice, and 1 vote for our third choice.
2. I move that we allow voting by ballot for members at the session and by roll call on the teleconference line for members in the remote branches.

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ANSWERS

Drill: Are the following motions in order, or can they be made to be in order?

One Question at a Time:

4. I move to suspend the rules and take Motion A from the table. (OK p.262)
5. I move to paint the Tower Bridge orange and to offer free train rides in Old Sacramento. (p. 110, Demand separately)
6. I move to paint the Tower Bridge orange and the warning signs purple. (p. 110, Majority vote for Division of the Question)

A Member's Right to Move Motions:

6. The board of directors is conducting its conference planning meeting in a room full of association members. After some heated arguments a member of the association moves to ad another educational session. (p. 263, Nonmember may not move a motion)
7. I move to suspend the rule that prohibits us from attending more than 3 conferences in one year. (p. 264, Outside the session)
8. I move to postpone this question until the meeting after the next one so that we have enough time to review the consequences. (p. 265, Future session not next meeting)
9. I move to dispense with the reading and the adopting of the minutes. (p. 264, Cannot dispense with agenda parts)
10. Since we have debated and voted on the item that was specified in the call to this Special Meeting, I move we complete the handling of the motion we left unfinished at the last session. (p. 264, Special Meeting called for restrictive business)

Voting:

3. I move that since we have 3 candidates that we cast 3 votes for our first choice, 2 votes for our second choice, and 1 vote for our third choice. (p. 263, 443, No cumulative voting)
4. I move that we allow voting by ballot for members at the session and by roll call on the teleconference line for members in the remote branches. (p. 263, Member must be present to vote)