

The Majority Rules, But Why Let Them

Dedicated to Educating and Training Legal Professionals



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Hierarchy of Governance

- ↖ Federal Statutes
- ↖ State Laws:
 - ✓ Corporations Code; California Public Records Act
 - ✓ Brown Act (Open Meeting Law)
- ↖ City and Local Statutes
- ↖ Constitution: Highest requirements for change
- ↖ Bylaws: A Society's Business Defined
- ↖ Rules of Order (Robert's): Everything else
- ↖ Standing Rules: Routine maintenance rules
- ↖ Customs: Scary part

Dos and Don'ts of Minute Taking

- ↖ Do Include
 - ↖ Meeting Information (i.e., date, time, location, type of meeting)
 - ↖ Attendance, quorum, name of each motion maker
 - ↖ Exact wording and action of motions, amendments
(e.g., adopted, defeated, postponed, referred, laid, etc.)
 - ↖ How every member voted (depending on bylaws)
 - ↖ All Points of Order, Appeals, Rules Suspended, Notices
 - ↖ Reports from Close Sessions
- ↖ Do Not Include
 - ↖ Report details, debate content, personal opinions
 - ↖ Court transcript narrative
 - ↖ Withdrawn motions
 - ↖ Phrases of praise or criticism



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 right to speak a 2nd time unless no one seeks to speak their 1st time.
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.

Move debate along by asking ...

- Do you have anything to add on the pending question?
- Do you have anything to add that we have not heard before?
- Is there anyone else who wishes to speak who has not spoken yet?
- Do you wish to make a motion?
- Do you wish to amend (or postpone or refer) the motion?



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 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.

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Sacramento Legal Secretaries Association -- June 4, 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 be open to all legal professionals, including legal secretaries, legal assistants, and attorneys.

2. What you really wanted was ...

I want to include '**paralegals**' after the word '**assistants**'.

3. You need to move to amend

I move to amend by inserting '**paralegals**' after the word '**assistants**'.

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

I move that membership be open to all legal professionals, including legal secretaries, legal assistants, **paralegals**, and attorneys.

DRILL: Primary Amendment (Form 1)

A: (After being recognized by the chair) **I move that ...**

Z: ...

CH: It is moved and ..

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?



1° Amendment (Form 2) – Strike

1. Original Main Motion

I move that membership be open to all legal professionals, including legal secretaries, legal assistants, attorneys, and paralegals.

2. What you really wanted was ...

I don't want '**attorneys**' included.

3. You need to move to amend

I move to amend by striking '**attorneys.**'

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

I move that membership be open to all legal professionals, including legal secretaries, legal assistants, and paralegals.

DRILL: Primary Amendment (Form 2)

A: (After being recognized by the chair) **I move that ...**

Z: ...

CH: It is moved and ..

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?



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: (After being recognized by the chair) **I move that ...**

Z: ...

CH: It is moved and ..

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?



Postpone a Main Motion vs. the Lay it on the Table (part 1)

Reason to Postpone a Main Motion:

1. Sometimes a Main Motion can best be considered at a later and more convenient time,
2. Or, debate has proven that there is good reason to delay a decision on the Main Motion.

But 'Postpone' to WHEN?

1. Until the next meeting:
Correct wording: *I move to postpone the pending motion.*
2. Until a specific hour during the current meeting:
Current wording: *I move to postpone the pending motion until 2:00 pm.*
3. Until after a specific portion of the current agenda.
Correct wording: *I move to postpone the pending motion until after we hear the Treasurer's Report (or until after lunch; or until after the recess.)*

DRILL:

1. Member A will make a Main Motion.
2. Member B will move to Postpone this motion to one of the 3 time options listed above.



Postpone a Main Motion vs. the Lay it on the Table (part 2)

Reasons to Lay a Motion on the Table:

Sometimes during the handling of a Main Motion, there is an unexpected need to **temporarily interrupt business** so as to handle some other business immediately.

Correct wording: *I move that the current motion be Laid on the Table.*

Never worded as follows: *I move to table.* (LAY is a verb. TABLE is not a verb).

But 'Lay on the Table' until WHEN?

Since this interruption is urgent and unplanned, the interruption will last only as long as it takes to handle the interrupting business. Never is a specific time or duration included in the motion to Lay on the Table. *"Table for 10 minutes"* is wrong in so many, many ways.

DRILL: (during the handling of a properly posted business item)

1. A policeman enters the room and stares at the presiding officer.
2. A guest speaker has been waiting to address the board and must return to his office.
3. A board member needs to leave the meeting, but has an important announcement to make to the board before he/she leaves.



Refer a Main Motion to a Committee

Any Main Motion can be handled directly by the board, unless the bylaws require that a specific committee must first review the motion and offer a recommendation.

Or, after some deliberation, the board could send the pending question to a committee with specific instructions.

A Standing Committee

1. Lasts for the entire duration of the term of the board president.
2. Is populated at the start of the president's term with a specific number of members, specific individuals, and a specific chair.
3. Is described in the bylaws with responsibility for specific year round tasks.
4. Must have its reporting time, and assigned task established when the motion is adopted.

A Special (Ad Hoc) Committee

1. Is not described in the bylaws.
2. Is created as it is needed and disbands once it performs its assigned task.
3. Must have its reporting time, assigned task, size, number of members, and chair established when the motion is adopted.

Required elements of the Motion to Refer:

The subsidiary motion to Commit (or to Refer) requires several elements at the time that the motion is moved and adopted:

Refer to a Standing Committee	Refer to a Special (Ad Hoc) Committee
1. Instructions on the task 2. Date of when to report back 3. Which existing Standing Committee	1. Instructions on the task 2. Date of when to report back 3. Number of Committee members 4. Names of Committee members 5. Name of Committee Chair

DRILL:

1. Member A will make a Main Motion.
2. Member B will move to Refer it as described below.

Refer the Main Motion to a

1. Standing Committee
2. Special Committee
3. Ad Hoc Committee



Script D: Point of Order and Appeal

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

Ch: All in favor of moving the report from the Budget Committee to New Business say, "Aye".

[Just over half respond.]

Those opposed say, "No". *[Less than half respond.]*

The "Ayes" have it. The report is moved to New Business on the agenda.

Ch: The next item of business 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 move items on 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: You what? Fine. Since you insist. There is an appeal on 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 show how I am infallible.

Here is the process. First I will explain the wisdom of my ruling. And then, 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.



Ch: It is a well-known fact that rules can be suspended when dealing with important issues. There is nothing more important than dealing with this 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 Points of Order 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 DD: Unscripted Drill on Point of Order and Appeal

[We have just disposed of a Main Motion, and another Main Motion is about to be proposed. Attendees will fill in the proper phrasing where the sentences are left incomplete.] [5 speakers – CH, A, B, C, Z]

A: *[After being recognized by the Chair]* Mr. Chair, I move that we buy an electronic voting system.

Z: Second

CH: It is moved and seconded to buy an electronic voting system.

Are you ready for the question?

B: *[Without being recognized]* Point of Order.

CH: What ...?

B: All expenditures ...

CH: *[Chair disagrees]* Your point is

Are you ready for the question?

C: *[Without being recognized]* I appeal ...

Z: Second

CH: The ruling of the chair is appealed from.

CH: *[Chair explains and proceeds]* ...

[After the debate by the members]

CH: *[Chair offers his second explanation]* ...

CH: *[The chair puts the Appeal to a vote.]* Shall the ...

All in favor of ...

Those opposed to ...

The ... have it. We shall now continue with the main motion.

OR,

The ruling of the chair is ... The next item of business is ...



Script E: Reconsider the Vote (Composed of Move and Call)

[We join the monthly meeting of Region V. [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 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 Legislation AB 456 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.



[We have disposed of the pending motion and can now take up the motion to Reconsider the Vote of a previous motion.]

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.



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



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.**



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)	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 to set an adjourned meeting. 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.

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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.



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