



DATE: July 12, 2018

TO: Recycling Board

FROM: Wendy Sommer, Executive Director
Farand C. Kan, Deputy County Counsel

SUBJECT: Changes to Recycling Board Rules of Procedure

SUMMARY

At the March 8 meeting, staff and County counsel presented proposed changes to the Recycling Board Rules of Procedure. A link to the staff report is available here: [Changes-Recycling-Board-Rules-of-Procedure-03-8-18.pdf](#). The item was continued to allow more time to address questions raised by board members. At the July 12 meeting, the Recycling Board will be asked to review and adopt the updated Rules of Procedure.

DISCUSSION

Following are the clarifications and additional changes based on board members comments:

Section 3-8 Teleconferencing

Recycling Board members who are unable to attend a meeting in person may participate via teleconference, but are encouraged to have an interim (appointed by the Alameda County Waste Management Authority Board for WMA representative, or the Alameda County Board of Supervisors for county appointee) to attend in their place.

Section 4-4 (e) Public Comment or Motion

Deleted. County counsel agreed that it is non-standard for public meetings to have both pre-deliberation and post-motion public comment.

Section 4-6 Motion to Reconsider

The motion to reconsider revives a matter that has already been deliberated and acted upon, and therefore should rarely occur, be limited in duration, and only made by eligible movants. The section will be revised to conform with Rosenberg's Rules:

A motion to reconsider must be made at the same meeting where the item was first voted upon, in accordance with the following:

1. The motion must be made by a member who voted on the prevailing side, when the item was first voted upon; and
2. The motion is debatable and has precedence over a pending motion

Section 4-14 Voting Ineligibility

No changes to the proposed language. Board members not eligible to vote due to a conflict of interest under the Political Reform Act are required to leave the room as required by the Fair Political Practices Commission. Board members ineligible to vote for other reasons are required to leave the table.

RECOMMENDATION

That the Recycling Board adopt the revisions to the Alameda County Source Reduction and Recycling Board Rules of Procedure.

Attachments:

Attachment A – Recycling Board Rules of Procedure (clean version)

Attachment B – Recycling Board Rules of Procedure (redline version)

Attachment C – Rosenberg’s Rules of Order

Attachment A

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD RULES OF PROCEDURE

Revised July 12, 2018

Article 1 General Provisions

- Section 1-1 **Name of Board.** The name of the Board is the Alameda County Source Reduction and Recycling Board, hereinafter referenced as the "Recycling Board".
- Section 1-2 **Authority for Rules.** These rules apply to the Recycling Board (including Committees of the Recycling Board), and are adopted pursuant to the Initiative Charter Amendment known as County of Alameda Charter Section 64, hereinafter "Initiative", which became effective December 20, 1990, and is hereby incorporated by this reference.
- Section 1-3 **Purpose of Rules.** The purpose of these rules is to provide for the orderly conduct of meetings of the Recycling Board.

Article 2 Organization of Board

- Section 2-1 **Composition of Recycling Board.** The Recycling Board is composed of eleven (11) members appointed pursuant to the Initiative creating the Recycling Board.
- Section 2-2 **Officers.** The Officers of the Recycling Board shall be President, First Vice-President and Second Vice-President, who shall serve until the elections of their successor in accordance with Section 2-4.
- Section 2-3 **Committees.** The Recycling Board may appoint such committees from time to time as may be appropriate to administer the powers and programs of the Recycling Board. A majority of Recycling Board appointed committee members shall constitute a quorum of the committee. A majority vote of the committee members in attendance shall be required for the transaction of business, however, the committee is not empowered to take final action on behalf of the Recycling Board. All other rules followed by the Recycling Board apply to committee meetings unless otherwise determined by the committee. Committee Chairs, or the procedure for selection of a committee Chair, shall be specified by the Recycling Board when the committee is appointed.

In addition to the aforementioned, any committee that constitutes a quorum of the Recycling Board (see Section 3-5) shall be noticed as both a meeting of the committee and a meeting of the Recycling Board.

The Executive Director or designee shall monitor the composition of all Committees on which one or more Recycling Board members sit and notice the meetings as appropriate and required in compliance with the Ralph M. Brown Act (California Government Code Section 54950 et.seq), requiring open and public meetings for the legislative body of a local agency.

- Section 2-4 **Election of Officers.** The Officers shall be elected at the regular meeting of the Recycling Board in the month of December of each year or such other time as the Board may decide when an officer departs the Recycling Board. They shall be elected by a majority of

those present and voting. An abstention to vote by any member shall be construed as that member not voting. No member may serve more than one term in the same leadership position on the Recycling Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).

Section 2-5 **Term of Office.** Each term of office shall be no more than one (1) year duration, commencing January 1 or such other time as the Board may require to fill vacancies, and expiring December 31 of the same calendar year.

Section 2-6 **Executive Director.** The Executive Director of the Recycling Board shall be the Executive Director of the Alameda County Waste Management Authority Board.

Section 2-7 **Duties of President.** The President shall serve as Chair and preside at all meetings of the Recycling Board, and shall conduct the business of the Recycling Board in the manner prescribed by these Rules. The President shall preserve order and decorum using the Rules of Conduct of Meetings listed in Article 4 and the discussion ground rules listed in Article 4, and shall decide all questions of order subject to the action of a majority of the Recycling Board.

Section 2-8 **Duties of the First and Second Vice-President.** In the absence or inability of the President to act, the Vice-Presidents shall perform the duties of the President in order of their succession.

Section 2-9 **Duties of the Executive Director.** The Executive Director shall perform the following duties:

- a) Attend each meeting of the Recycling Board.
- b) Prepare an agenda for each meeting.
- c) Appoint a Clerk of the Board to:
 - Notify all Recycling Board members of the time and place of each meeting;
 - Maintain all records of the Recycling Board;
 - Maintain a record of the proceedings of Recycling Board and committee meetings;
- d) Perform other duties directed by law or the Recycling Board. These duties may be delegated as determined necessary by the Executive Director.

Article 3 Meetings of Recycling Board

Section 3-1 **Regular Meetings.** Regular meetings of the Recycling Board will be set by a majority vote of those present and voting. An abstention to vote by any member shall be construed as that member not voting.

Section 3-2 **Special Meetings.** Special meetings of the Recycling Board may be called by order of the President of the Recycling Board or by a majority of the members at a regularly scheduled meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 **Adjourned Meetings.** Any regular meeting of the Recycling Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may also be adjourned, and any adjourned special meeting is part of the special meeting.

- Section 3-4 **Effect of Holiday.** If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Recycling Board shall be rescheduled by the Recycling Board.
- Section 3-5 **Quorum.** A majority of the members of the Recycling Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 **Absence of Quorum.** In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director or a representative shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 **Notice of Meetings.** All meetings of the Recycling Board shall be held subject to the provisions of the Ralph M. Brown Act (California Government Code section 54950 *et seq.*) requiring open and public meetings for the legislative body of a local agency. Agendas will typically be released five (5) days in advance of regular meetings.
- Section 3 -8 **Teleconferencing.** Recycling Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than two Recycling Board members may utilize teleconferencing at a Committee/Recycling Board meeting at no more than two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting, of the teleconference location. The teleconference location must be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/ Recycling Board meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 **Compensation.** Recycling Board members and interim appointments are compensated in accordance with compensation policies approved by the Recycling Board. Recycling Board members must attend a Recycling Board meeting to be compensated for that meeting.

Article 4 Conduct of Meetings

- Section 4-1 **Order of Business.** The Business of each meeting of the Recycling Board shall be transacted as far as is practicable in the following order:
- (a) Call to order
 - (b) Roll call of attendance
 - (c) Announcements by President
 - (d) Open public comment
 - (e) Approval of minutes of prior meetings (may be included in the consent calendar)

- (f) Consent calendar
- (g) Regular calendar
- (h) Member Comments and communications from the Executive Director; and
- (i) Adjournment

The above order of business may be suspended or changed at any time upon order of the Chair. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for Recycling Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Recycling Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public comment from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Recycling Board, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

Section 4-2 **Right of Floor.** Any member desiring to speak shall first be recognized by the Chair and shall, with the exception of open public comment period, confine any remarks to the subject under consideration.

Section 4-3 **Ground Rules for Recycling Board and Committee Discussions:**

- a) Speak briefly and to the point.
- b) Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.
- c) Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.
- d) Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.
- e) Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.
- f) Identify the next step at the end of each agenda item.
- g) The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.
- h) The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.
- i) Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.

Section 4-4 **Procedures Regarding Public Hearings and Action Items**

- (a) Introduction
 - 1) Chair announces subject of the public hearings and declares the public hearing open.
 - 2) Chair may set time limit for each speaker and may limit number of appearances per speaker.

- (b) Staff and Written Material Presentation
 - 1.) Staff summary report and other written material included in the agenda packet is received and filed. Written comments (e.g. protest, etc.) are noted for the record.
 - 2.) Written material not in the agenda packet, if any, is received and filed.
 - 3.) Oral staff report, if any, is presented by staff member.
 - 4.) Staff responds to Recycling Board member questions.

- (c) Public Comment
 - 1.) The purpose of this portion of the public hearing is to provide an opportunity to concerned members in the audience who wish to testify in support of or opposition to the matter being heard.
 - 2.) The Chair shall instruct members of the audience:
 - (a) to speak from the podium;
 - (b) to give their name and address before speaking;
 - (c) that repetition should be avoided.
 - 3.) Question by speakers will be noted and addressed prior to Recycling Board deliberation.

- (d) Recycling Board Deliberation
 - 1.) After the Chair has determined that no other member of the audience wishes to speak, the matter is returned to the Recycling Board for deliberation.
 - 2.) The Chair may ask questions of speakers for clarification.
 - 3.) Staff and/or Recycling Board answers prior speakers' questions.
 - 4.) The Recycling Board makes a motion and debates.

- (e) Recycling Board Action
 - 1.) Recycling Board may, at this time, continue the open public hearing.
 - (a) This should be done if any additional information is requested (e.g. a staff report).
 - (b) Continuing a public hearing to a specific date does not require additional notice.
 - 2.) The Recycling Board may:
 - (a) close the public hearings and vote on the item;
 - (b) offer amendments or substitute motions allowing additional public comment; or
 - (c) close the public hearing and continue the matter to a later date for a decision. (No additional reports or testimony may be received after the hearing has been closed).

Section 4-5 **Precedence of Motions**

When a motion is pending before the Recycling Board, no further motion shall be entertained except:

- (a) Motion to Amend – A motion to amend is debatable only as it relates to the amendment.

An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments are voted on first; the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

- (b) **Motion to Postpone** – A motion to postpone indefinitely is debatable. If such a motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment only as it relates to propriety of the postponement and time set.
- (c) **Motion to Table** – A motion to table is not debatable and not subject to amendment.
A motion to table is only in order when another item later on the agenda is time-sensitive. The tabled item is taken up for discussion upon completion of the time-sensitive item.

Section 4-6 **Motion to Reconsider**

A motion to reconsider any action taken by the Recycling Board must be made at the same meeting where the item was first voted upon, in accordance with the following:

- (1) The motion must be made by a member who voted on the prevailing side, when the item was first voted upon; and
- (2) The motion is debatable and has precedence over a pending motion.

Section 4-7 **Comments from the Public**

Recycling Board members may ask questions but the Recycling Board shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Recycling Board member may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. In addition, members of the public may comment on any item if recognized for that purpose by the meeting Chair. The Chair has full discretion over the time allowed for public input.

Section 4-8 **Parliamentary Rules.** The rules laid down by Rosenberg’s Rules of Order are hereby adopted for this Recycling Board in all cases not otherwise provided for in these rules.

Section 4-9 **Vote Required.** A majority of the total authorized vote of the Recycling Board shall be required for the adoption of the following:

- (a) Adopt the annual work program and budget
- (b) Adopt policies, rules of procedure, etc. for operations of the Recycling Board and staff

A majority vote of those present and voting shall be required for any other action. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-10 **Interim Member Vote.** An interim member may vote on any matter under consideration only in the absence of the regular member from the meeting.

Section 4-11 **Roll Call.** Each roll call of the Recycling Board shall be in alphabetical order, except that the Chair shall be called last.

Section 4-12 **Roll Call Votes.** Roll call votes shall proceed in the following manner:

(a) The Chair will direct the Clerk of the Board to report on the Recycling Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(b) The Chair will ask for a voice vote on the matter;

(c) If there are no “nay” votes or abstentions, the Chair will direct that the matter be reported as passed unanimously with the names of all Recycling Board members in attendance reported as voting in favor;

(d) If there are any “nay” votes or abstentions, the Chair will direct the Clerk of the Board to call the name of each member and record the vote of the member and then report the total number of “aye,” “nay” and “abstain” votes. The Chair shall be called last.

Section 4-13 **Roll Call Not Required.** The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the Chair may order the motion unanimously approved.

Section 4-14 **Voting Ineligibility.** Any Recycling Board member attending a Recycling Board meeting and ineligible to vote on any matter under consideration by the Recycling Board at that meeting shall briefly describe the reason for being ineligible and then shall leave the Recycling Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member’s disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the Recycling Board table or room for matters that are on the consent calendar.

Section 4-15 **Ex Parte Communications.** Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board’s agenda, giving as much public notice as possible.

Attachment B

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD RULES OF PROCEDURE Revised ~~June 9, 2011~~ March 8 July 12, 2018

Article 1 General Provisions

- Section 1-1 **Name of Board.** The name of the Board is the Alameda County Source Reduction and Recycling Board, hereinafter ~~known-referenced~~ as the "Recycling Board".
- Section 1-2 **Authority for Rules.** These rules apply to the Recycling Board (including Committees of the Recycling Board), and are adopted pursuant to the Initiative Charter Amendment known as County of Alameda Charter Section 64, hereinafter "Initiative", which became effective December 20, 1990, and is hereby incorporated by this reference.
- Section 1-3 **Purpose of Rules.** The purpose of these rules is to provide for the orderly conduct of meetings of the Recycling Board.

Article 2 Organization of Board

- Section 2-1 **Composition of Recycling Board.** The Recycling Board is composed of eleven (11) members appointed pursuant to the Initiative creating the Recycling Board.
- Section 2-2 **Officers.** The Officers of the Recycling Board shall be President, First Vice-President and Second Vice-President, who shall serve until the elections of their successor in accordance with Section 2-4.
- Section 2-3 **Committees.** The Recycling Board may appoint such committees from time to time as may be appropriate to administer the powers and programs of the Recycling Board. A majority of Recycling Board appointed committee members shall constitute a quorum of the committee. A majority vote of the committee members in attendance shall be required for the transaction of business, however, the committee is not empowered to take final action on behalf of the Recycling Board. ~~All other-~~ rules followed by the Recycling Board apply to committee meetings unless otherwise determined by the committee. Committee Chairs, or the procedure for selection of a committee Chair, shall be specified by the Recycling Board when the committee is appointed.

In addition to the aforementioned, any committee that constitutes a quorum of the Recycling Board (see Section 3-5) shall be noticed as both a meeting of the committee and a meeting of the Recycling Board.

The Executive Director or designee shall monitor the composition of all Committees on which one or more Recycling Board members sit and notice the meetings as appropriate and required in compliance with the Ralph M. Brown Act (California Government Code Section 54950 et.seq), requiring open and public meetings for the legislative body of a local agency.

Section 2-4 **Election of Officers.** The Officers shall be elected at the regular meeting of the Recycling Board in the month of December of each year or such other time as the Board may decide when an officer departs the Recycling Board. They shall be elected by a majority of those present and voting. An abstention to vote by any member shall be construed as that member not voting. No member may serve more than one term in the same leadership position on the Recycling Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).

Section 2-5 **Term of Office.** Each ~~full~~ term of office shall be no more than one (1) year duration, commencing from January 1 or such other time as the Board may require to fill vacancies, each year to and expiring December 31 of the same calendar year.

Section 2-6 ~~Secretary~~**Executive Director.** The Executive Director of the Recycling Board ~~Secretary to the Board~~ shall be the Executive Director of the Secretary to the Alameda County Waste Management Authority Board.

Section 2-7 **Duties of President.** The President shall serve as Chair and preside at all meetings of the Recycling Board, and shall conduct the business of the Recycling Board in the manner prescribed by these Rules. The President shall preserve order and decorum using at a minimum, the Rules of Conduct of Meetings listed in Article 4 and the discussion ground rules listed in ~~Section 2-10~~Article 4, and shall decide all questions of order subject to the action of a majority of the Recycling Board.

Section 2-8 **Duties of the First and Second Vice-President.** In the absence or inability of the President to act, the Vice-Presidents shall perform the duties of the President in order of their succession.

Section 2-9 **Duties of ~~the Executive Director~~Secretary.** The ~~Secretary~~ Executive Director shall perform the following duties:

- (a) Attend each meeting of the Recycling Board;
- ~~(b) Maintain a record of all proceedings of the Recycling Board;~~
- ~~(c) Prepare an draft agenda for each meeting. The meeting Chair may review and comment on the draft agenda within 48 hours. Where the meeting Chair is not the Recycling Board President, the Recycling Board President will be copied on the draft agenda;~~
- ~~(c) Appoint a Clerk of the Board to:~~
 - Notify all Recycling Board Members of the time and place of each meeting;
 - Maintain all records of the Recycling Board;
 - Maintain a record of the proceedings of Recycling Board and committee meetings;
- (gd) Perform other duties directed by law or the Recycling Board. These duties may be delegated as determined necessary by the Executive Director~~Secretary~~.

~~Section 2-10~~ **Ground Rules for Recycling Board and Committee Discussions:**

- ~~1. Speak briefly and to the point.~~
- ~~2. Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.~~

- ~~3. Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.~~
- ~~4. Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.~~
- ~~5. Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.~~
- ~~6. Identify the next step at the end of each agenda item.~~
- ~~7. The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.~~
- ~~8. The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.~~
- ~~9. Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.~~

~~Section 2-11 **Processing Board Member Requested Items.** Items requested by Board members to be processed to a Committee or Board shall use one of the following processes:~~

~~(a) Information to fellow Board members:~~

~~— Scheduled at Board members' request for a Committee meeting.~~

~~(b) Project status report requested by Board member:~~

~~— Scheduled by staff for a Committee meeting.~~

~~(c) Review of existing Procedures/Policies; New Policy Direction; New Project Direction:~~

~~1. Scheduled on next Committee or Board agenda or future agenda, as agreed to by Board member. Agendized for information.~~

~~2. Written description provided by Board member.~~

~~Preliminary analysis by staff included in packet, at staff discretion.~~

~~(f) Urgency Item. Notwithstanding the above, the Brown Act rules apply.~~

Article 3 **Meetings of Recycling Board**

Section 3-1 **Regular Meetings.** Regular meetings of the Recycling Board will be set by a majority vote of those present and voting. An abstention to vote by any member shall be construed as that member not voting.

Section 3-2 **Special Meetings.** Special meetings of the Recycling Board may be called by order of the President of the Recycling Board or by a majority of the members at a regularly scheduled meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 **Adjourned Meetings.** Any regular meeting of the Recycling Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may also be adjourned, and any adjourned special meeting is part of the special meeting.

- Section 3-4 **Effect of Holiday.** If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Recycling Board shall be rescheduled by the Recycling Board.
- Section 3-5 **Quorum.** A majority of the members of the Recycling Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-~~6~~7 of these Rules.
- Section 3-6 **Absence of Quorum.** In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director~~secretary~~ or a representative shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 **Notice of Meetings.** All meetings of the Recycling Board shall be held subject to the provisions of the Ralph M. Brown Act, ~~(California Government Code being see Sections 54950 et seq.)~~ requiring open and public meetings for the legislative body of a local agency.
~~of the State of California Government Code, and other applicable laws of the State of California requiring notice of meetings of the Recycling Board.~~

Agendas will typically be released five (5) days in advance of regular meetings.

- Section 3 -8 **Teleconferencing.** Recycling Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than ~~two~~two Recycling Board members may utilize teleconferencing ~~per~~at a Committee/Recycling Board meeting at no more than ~~two~~two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must~~should~~ notify the Clerk of the Board Executive Director (or designee) at least eight (8) days prior to the release of the agenda for that~~the affected Committee/~~ Recycling Board meeting, of the teleconference location. The teleconference location must be that is accessible to the public. ~~Agendas are typically released five (5) days in advance of the meeting.~~The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/Recycling Board meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 Compensation. Recycling Board members and interim appointments are compensated in accordance with compensation policies approved by the Recycling Board. Recycling Board members must attend a Recycling Board meeting to be compensated for that meeting.

Article 4 Conduct of Meetings

- Section 4-1 **Order of Business.** The Business of each meeting of the Recycling Board shall be transacted as far as is practicable in the following order:
- (a) Call to order
 - (b) Roll call of attendance
 - ~~(c) Comments from the public~~
 - ~~(d) Announcements by the President~~
 - ~~(e) Open public discussion from the floor~~ Open public comment
 - ~~(f) Approval of minutes of prior meetings (may be included in the consent calendar)~~
 - (f) Consent calendar
 - (g) Regular calendar
 - (1) ~~Unfinished business~~
 - (2) ~~New Business~~
 - ~~(h) Other public input~~
 - ~~(i) Member Comments and communications from the Executive Director/Communications~~; and
 - (j) Adjournment

The above order of business may be suspended or changed at any time upon order of the President/Chair ~~Board~~. The consent calendar may contain those matters the nature of which have been determined by the Executive Director ~~Secretary~~ to be routine, and items that have been recommended by a Committee for Recycling Board approval, administrative or financial, and will be approved by a single action. Any item shall ~~may~~ be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Recycling Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public discussion-comment from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Recycling Board, but not listed on the agenda. Each speaker is limited to three minutes: unless a shorter period of time is set by the Chair.

- Section 4-2 **Right of Floor.** Any member desiring to speak shall first be recognized by the Chair and shall, with the exception of Public Comments ~~open public Discussion~~ Comment period, confine any remarks to the subject under consideration.

Section 4-3 Ground Rules for Recycling Board and Committee Discussions:

1. Speak briefly and to the point.
2. Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.
3. Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.
4. Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.
5. Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.
6. Identify the next step at the end of each agenda item.
7. The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.

8. The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.
9. Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.

Section 4-~~3~~-4 **Procedures Regarding Public Hearings and Action Items**

(a) Introduction

- 1.) ~~President-Chair~~ announces subject of the public hearings and declares the public hearing open.
- 2) ~~President-Chair~~ may set time limit for each speaker and may limit number of appearances per speaker.

(b) Staff and Written Material Presentation

- 1.) Staff summary report and other written material included in the agenda packet is received and filed. Written comments (e.g. protest, etc.) are noted for the record.
- 2.) Written material not in the agenda packet, if any, is received and filed.
- 3.) Oral staff report, if any, is presented by staff member.
- 4.) Staff responds to Recycling Board member questions.

(c) Public Comment

- 1.) The purpose of this portion of the public hearing is to provide an opportunity to concerned members in the audience who wish to testify in support of or opposition to the matter being heard.
- 2.) The ~~President-Chair~~ shall instruct members of the audience:
 - (a) to speak from the podium;
 - (b) to give their name and address before speaking;
 - (c) that repetition should be avoided.
- 3.) Question by speakers will be noted and addressed prior to Recycling Board deliberation.

(d) Recycling Board Deliberation

- 1.) After the ~~President-Chair~~ has determined that no other member of the audience wishes to speak, the matter is returned to the Recycling Board for deliberation.
- 2.) The ~~President-Chair~~ may ask questions of speakers for clarification.
- 3.) Staff and/or Recycling Board answers prior speakers' questions.
- 4.) The Recycling Board makes a motion and debates.

~~(e) Public Comment on Motion~~

- ~~1.) At the conclusion of Recycling Board motion, President asks if anyone in the audience wishes to comment on the motion.~~

(ef) Recycling Board Action

- 1.) Recycling Board may, at this time, continue the open public hearing.

- (a) This should be done if any additional information is requested (e.g. a staff report).
 - (b) Continuing a public hearing to a specific date does not require additional notice.
- 2.) The Recycling Board may:
- (a) close the public hearings and vote on the item;
 - (b) offer amendments or substitute motions allowing additional public comment; or
 - (c) close the public hearing and continue the matter to a later date for a decision. (No additional reports or testimony may be received after the hearing has been closed).

Section 4-45 **Precedence of Motions**

When a motion is pending before the Recycling Board, no further motion shall be entertained except:

- (a) Motion to Amend – A motion to amend is debatable only as it relates to the amendment.

An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments are voted on first; the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

- (b) Motion to Postpone – A motion to postpone indefinitely is debatable.

If such a motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment only as it relates to propriety of the postponement and time set.

- (c) Motion to Table – A motion to table is not debatable and not subject to amendment.

A motion to table is only in order when another item later on the agenda is time-sensitive. The tabled item is taken up for discussion upon completion of the time-sensitive item.

Section 4-5-6 **Motion to Reconsider**

A motion to reconsider any action taken by the Recycling Board ~~may be made no later than the subsequent Recycling Board meeting~~ must be made at the same meeting where the item was first voted upon, in accordance with the following:

- (1) The motion must be made ~~and seconded by a member of the prevailing side by a member who voted on the prevailing side, when the item was first voted upon;~~ and

(2) The motion is debatable and has precedence over a pending motion.

~~(3) If the matter was the subject of a public hearing and any person interested may have left the meeting, a new notice of hearing must be given before the matter is considered again.~~

Section 4-~~6-7~~ **Comments from the Public**

Recycling Board members may ask questions but the Recycling Board shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Recycling Board member may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. In addition, members of the public may comment on any item if recognized for that purpose by the meeting Chair. The Chair has full discretion over the time allowed for public input.

Section 4-~~7-8~~ **Parliamentary Rules.** The rules laid down by ~~Rosenberg's~~Robert's Rules of Order are hereby adopted for this Recycling Board in all cases not otherwise provided for in these rules.

Section 4-~~8-9~~ **Vote Required.** A majority of the total authorized vote of the Recycling Board shall be required for the adoption of the following:

(a) Adopt the annual work program and budget

(b) Adopt policies, rules of procedure, etc. for operations of the Recycling Board and staff

A majority vote of those present and voting shall be required for any other action. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-~~9-10~~ **Interim Member Vote.** An interim member may vote on any matter under consideration only in the absence of the regular member from the meeting.

Section 4-~~10-11~~ **Roll Call.** Each roll call of the Recycling Board shall be in alphabetical order, except that the ~~President~~Chair shall be called last.

Section 4-~~11-12~~ **Roll Call Votes.** ~~Upon demand by any Recycling Board member, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Recycling Board.~~ Roll call votes shall proceed in the following manner:

(a) The Chair will direct the Clerk of the Board to report on the Recycling Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(b) The Chair will ask for a voice vote on the matter;

(c) If there are no "nay" votes or abstentions, the Chair will direct that the matter be reported as passed unanimously with the names of all Recycling Board members in attendance reported as voting in favor;

(d) If there are any "nay" votes or abstentions, the Chair will direct the Clerk of the Board to call the name of each member and record the vote of the member and then report the total number of "aye," "nay" and "abstain" votes. The Chair shall be called last.

Section 4-~~12~~13 **Roll Call Not Required.** The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-~~13~~14 **Voting Ineligibility.** Any Recycling Board Member attending a Recycling Board meeting and ineligible to vote on any matter under consideration by the Recycling Board at that meeting shall briefly describe the reason for being ineligible and then shall leave the Recycling Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member's disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the Recycling Board table or room for matters that are on the consent calendar.

Section 4-~~14~~15 **Ex Parte Communications.** Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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