

**RESOLUTION SETTING FORTH
THE BOARD OF SUPERVISORS RULES OF PROCEDURE
AND RESCINDING RESOLUTION 18-024**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS, COUNTY OF LASSEN:

In order to provide for more expeditious and orderly conduct of public business, and to guide each Board Member in their capacity as Board Members, these rules of procedure are adopted by the Board of Supervisors of the County of Lassen. Whenever possible, these rules are to be construed generally and are only intended to supplement those otherwise provided by law, including, but not limited to, the Ralph M. Brown Act.

BOARD PROCEEDINGS

SECTION 1. CODE OF CONDUCT

The Lassen County Board of Supervisors aspires to be a model of civility in the conduct of its meetings and in doing the people's business. Therefore, the members of the Board choose civility and agree to conduct themselves in accordance with the following principles:

1. Listen;
2. Respect other people's time;
3. Don't shift responsibility and blame;
4. Accept and give praise;
5. Respect other's opinions;
6. Acknowledge others;
7. Speak kindly;
8. Apologize sincerely;
9. Refrain from idle complaints;
10. Think the best;
11. Accept and give constructive criticism;
12. Don't speak ill.

The Lassen County Board of Supervisors also invites the members of the public who are present for its meetings to choose civility and to conduct themselves in accordance with the previously stated principles.

SECTION 2. MEETINGS

A. Regular Meetings

In accordance with Resolution 97-074, the Board of Supervisors shall meet on the second, third and fourth Tuesday of each month in the Board Room located at 707 Nevada

Street, in the City of Susanville, the county seat, but not on any day on which a statewide election is held.

B. Special Meetings

Special meetings of the Board may be held at any time or place, provided that such meeting is preceded by a minimum 24 hour notice. Special meetings may be called by the Chairman of the Board. In the Chairman's absence from the County, the Vice Chairman may call a Special Meeting. In the absence from the County of both the Chairman and the Vice Chairman, a Special Meeting may be called by the Clerk of the Board or the latter's designee. Two members of the Board may call a Special Meeting by personally or in writing advising the Chairman or Vice-Chairman in the Chairman's absence. In the event that the Chairman (or Vice-Chairman) declines to call the special meeting, two members of the Board may call a Special Meeting by advising the Clerk of the Board personally or in writing (including facsimile transmittal) of the request to set a meeting, which request shall include the date and time of the meeting and the agenda items to be covered.

The Clerk shall thereupon prepare and post the notice and agenda of the Special Meeting consistent with the Ralph M. Brown Act.

C. Time Business Conducted

Business shall normally be conducted from 9:00 A.M. until completed, and at the latest 6:00 P.M., unless extended by majority consent of the Supervisors present. Otherwise business shall be adjourned to 9:00 A.M. of the following day, or on a day as designated by the Board. From time to time, and as the amount of closed session business may require, business may be started at 8:30 A.M. for the purpose of being able to conclude the closed session prior to re-convening in open session at 9:30 A.M. In such a case, the advanced start time shall be timely published on any agenda in accord with the Ralph M. Brown Act.

Typically the Board of Supervisors will recess at 12:00 P.M. and reconvene at 1:30 P.M., for lunch, as the agenda permits.

The Chairman has the authority, from meeting to meeting, to amend this schedule as the agenda demands, and the law otherwise authorizes.

D. Order of Business

The Order of Business of the Board shall be as arranged by the Board Chairman, except for matters set for a specific time by the agenda or action of the Board. Unless otherwise altered by the Chairman, the Order of Meetings shall be as follows:

Call to order.

Public comment.

Announcement of items to be discussed in closed session.

Closed session, normally scheduled between 9:00 and 9:30 AM., as needed.

Opening ceremonies, pledge of allegiance, and Invocation.

Announcement of items discussed in closed session.
Agenda approval, additions and/or deletions.
Public comment.
Unagendized reports by board members.
Public hearings.
Matters set for time certain.
Study session (as necessary).
Boards and commissions.
Information/Consent agenda.
Department reports.
Correspondence.
Adjournment.
Listing Dates of upcoming board meetings.

E. Matters not on the Agenda

A matter not on the agenda will not normally be considered. Items may be added to the agenda only if:

1. A majority of the Board determines a genuine emergency situation exists (as defined in Government Code §54956.5); **or**
2. The Board, by a 2/3 vote of the Board members present (or by unanimous vote if 2/3 of the members are not present) determine both that:
 - a. There is a need to take immediate action, and
 - b. That the need for action came to the attention of the County subsequent to the agenda being posted.

It is the policy of the Board to discourage adding items not listed on the posted agenda unless there is a substantial urgency to add such item.

SECTION 3. OFFICERS

A. Officers

The Board Officers shall consist of a Chairman and a Vice Chairman. The duties of the Chairman include:

1. Presiding at all meetings of the Board;
2. Ruling on points of procedure;
3. Setting the order of business on the Agenda;
4. Establishing and eliminating ad hoc committees;
5. Appointing members to standing and ad hoc committees;
6. Executing documents on behalf of the Board of Supervisors where the underlying action has been approved by the Board;

7. Calling Special Meetings of the Board of Supervisors.

The Duties of the Vice Chairman include:

1. Fulfilling the duties of the Chairman in the latter's absence from the County Seat.

B. Election of Officers

At the first regular meeting of the calendar year, the Chairman and Vice Chairman shall be elected by majority vote of the Board of Supervisors. Such Chairman and Vice Chairman shall preside for one year, or until their successors are installed, respectively, whichever last occurs. In the absence or inability of the Chairman and the Vice Chairman to attend any meeting, a Chairman pro tem shall be selected by the members present to serve in such capacity at that meeting. In the event that in any given year, the first regular meeting of the year shall occur before any newly elected Board member (or members) is seated, the election of the Chairman and Vice Chairman shall be postponed until all new Board members are seated or until the second regular meeting of the year. Any officer may be removed from office by a majority vote of the Board of Supervisors.

C. Filling Vacancies

If the Chairmanship becomes vacant for any reason, the office is to be filled by the Vice Chairman, irrespective of the length of time the Vice Chairman has held such office. If the Vice Chairman succeeds to the office of the Chairman, the Board shall elect a new Vice Chairman at the earliest opportunity.

SECTION 4. ATTENDANCE

A. Board Members

All Board members are expected to attend the meetings of the Board, unless such member is ill, subjected to a business or family emergency, or official County business. Occasional absences for the purposes of a vacation are recognized. Members are required to let staff know of any planned absences.

B. Clerk

The Clerk of the Board or a Deputy Clerk shall be present at all meetings of the Board of Supervisors.

C. County Counsel

The County Counsel or a Deputy should be present at all meetings of the Board of Supervisors (or available to the Board by telephone) unless prior arrangements are made with the Chairman to proceed with Agenda matters for which County Counsel's presence is unlikely to be required.

D. County Administrative Officer

The County Administrative Officer or designee should attend all meetings of the Board of Supervisors. Occasional absences for the purposes of leave are recognized. The County Administrative Officer shall advise the Board of any planned absences.

SECTION 5. AGENDAS

A. Preparation

Agendas for Board Meetings will be prepared by the Clerk of the Board, or Deputy Clerk, based on items submitted by Board members, the County Administrative Officer, the County Counsel, Department Heads, Elected Officials and written requests from members of the public. Said requests must be on the form provided by the Clerk and should be submitted to the Clerk of the Board at least 11 days immediately preceding the meeting at which consideration is requested. Requests from members of the public shall either be sponsored by a Board member, the County Administrative Officer, or approved by a majority vote of the Board before being placed on the agenda for discussion. Issues or conflicts pertaining to Agenda Items which are not resolved among the foregoing shall be submitted to and resolved by the Chairman of the Board or by majority vote at the next meeting.

B. Timing

Items for a Tuesday agenda should be submitted to the Clerk of the Board by 5:00 P.M. of the 11th day (Friday) before the meeting at which the item is requested to be agendized by the person requesting the item, unless a legal holiday necessitates the moving of the agenda deadline. Members of the Board of Supervisors and the County Administrative Officer may submit Agenda Request Forms and supporting information as late as the Agenda Review meeting, however, they are encouraged to adhere to the time limitations applicable to the public. Such submission should include all agenda "backup" documentation, including resolutions, contracts, purchase orders, and/or informational material. Absent a bona fide emergency, the item for which the material is not timely submitted may be removed from the Agenda by the Chairman or County Administrative Officer. The purpose of this provision is to allow sufficient opportunity for adequate prior review of all items upon which the Board may take action by Board members, County Counsel and, where appropriate, the Auditor or other affected Department Heads.

C. Backup Material

Each agenda item, whether submitted by Board Members or Department Heads, must be accompanied by a separate, completed Agenda Request Form. Any formal contract or agreement shall be submitted in final form as approved by County Counsel together with any proposed adopting resolution. All requests for approval of purchases shall be supported by background information as necessary.

D. Agenda Review

The proposed Agenda and supporting documents shall be reviewed by the Clerk, or Deputy Clerk, the County Administrative Officer, the Auditor, and the County Counsel prior to or during the Agenda review meeting which is normally conducted at 9:00 A.M. on the Wednesday of the week prior to the meeting being agendized. All Resolutions, Agreements, and Contracts and documents to which the County is a party shall be reviewed by the County Counsel and the Auditor prior to action by the Board of Supervisors, except in urgency situations.

E. Consent Agenda

Items may be placed on the "Consent Agenda" consistent with the requirements of provision "A" above. Items placed on the Consent Agenda should be, in the opinion of the submitter, of a routine and non-controversial nature. At the time the Consent Agenda is considered, items may be removed from the Consent Agenda by any Board member, the CAO, or any Department Head and added to the regular Agenda at a location directed by the Chairman. Individual Board members (less than a quorum) are encouraged to contact the County Administrative Officer or the Department Head arranging a Consent Agenda item to resolve technical questions.

F. Correspondence Agenda

Any item appearing on the Correspondence Agenda may be acted upon by the Board if so designated on the Agenda that action may be taken on such item. Any item requiring action before the next regular meeting following the one upon which the Correspondence item is placed, and which is deemed to be of policy significance to the Board of Supervisors shall be designated for possible action, specifying the action which might reasonably be taken and attaching any available background documentation of information.

G. Reagendizing Matters

Any matter which has been put to vote, except those which require, by statute or case law, public notices, planning commission recommendations, special procedures, or in those cases where rights may have vested, may be reagendized and placed on the Board Agenda as per Section 5(A).

SECTION 6. CONDUCT OF MEETINGS

The Lassen County Board of Supervisors hereby adopts Rosenberg's Rules of Order (Revised 2011) as the guide by which meetings shall be conducted. A copy of these rules shall be attached as exhibit A to this resolution.

While Rosenberg's Rules of Order should guide all aspects of the conduct of a particular meeting of the Lassen County Board of Supervisors, emphasis is placed upon the following topics from those Rules of Order:

1. The Role of the Chair
2. The Basic Format for an Agenda Item Discussion
3. Motions in General
4. Counting Votes

SECTION 7. CONFLICTS OF INTEREST

Any Board member who has a financial interest in a decision (see Government Code § 87100, et. seq.) shall do the following:

- A. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public.
- B. Recuse himself or herself from discussing and voting on the matter.

Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the consent agenda.

While there is some legal authority which allows an individual board member to address the Board of Supervisors on an issue with which they have a conflict, it is incumbent on that individual board member to correctly apprise themselves to what degree they are legally permitted to do so. Such activity should be exercised with caution not only to reduce the likelihood of a violation by the individual board member of the Political Reform Act, Government Code section 1090, or any other applicable law, but also to mitigate any perception of impropriety by the Board of Supervisors as a whole.

SECTION 8. PUBLIC COMMENT

A. Public Comment for items not on the agenda: Prior to any closed session and at least once during each regular meeting, the Agenda shall provide a time for public comment.

1. Subject of Discussion: At any regular meeting, any topic may be addressed by the public which is under the general subject matter jurisdiction of the Board of Supervisors. At any special meeting, public comment may be limited by the Chair only to those items which appear on the agenda for that special meeting. In either case, the Board is prohibited from taking any action on any item not listed on the agenda.
2. Time for Comment: Each member of the public who wishes to address the Board shall be allotted three (3) minutes and no more than three individuals shall address the same subject. Time permitting, at the discretion of the Chairman, additional time may be allotted. When necessary, the Chairman of the Board or the Chair's designee shall operate a timing device which indicates when each allotted time period ends.

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3. Public Hearing Items: Public comment on items set on the agenda for public hearing shall only be made during the public hearing time.

B. Public Comment for items appearing on the agenda: The public shall have the right to address each item on the agenda subject to the rules set forth herein.

1. Board Appearance Request Form: All persons desiring to speak on agenda items other than scheduled public hearings during the meeting, or during the Public Comments portion of the agenda, are requested to fill out a Public Comment Form, and provide it to the Clerk of the Board prior to the start of the meeting or agenda item or unless scheduled to speak or invited to speak by the Chairman.
2. Recognition by the Chair: Persons making presentations at meetings of the Board of Supervisors shall first be recognized by the Chair and are requested to give their name. Such persons should stand at the podium during their presentation, unless invited to do otherwise by the Chair.
3. Time limitation: Unless a longer time is allowed by the Chair, all public comments will be limited to three (3) minutes. When necessary, the Chairman or the Chairman's designee shall operate a timing device which indicates when each allotted time period ends.

C. "Public" Defined: The term "Public" includes everyone except members of the Board of Supervisors, County Department Heads, Elected Officials or their designees (collectively referred to as "staff"), and any authorized signatory party to a contract agendized and pending before the Board. Staff may address any item on the Agenda if recognized by the Chair. Contracting parties may address concerns to which they are parties, if recognized by the Chair.

D. Disruptions: Disruptive behavior during any public comment or any other time during a Board meeting will not be tolerated:

1. "Disruption" Defined: Disruption shall include:
 - a. Speaking when not recognized by the Chair.
 - b. Abusive comments and/or "personal attacks" directed to or relating to a member of the public, the Board, any Supervisor, any County staff or County employee.
 - c. Profanity, threats, or displays, including unauthorized "show of hands", placards, use of noise makers, applauding, jeers, "cat-calls" and similar demonstrative conduct.
 - d. Public comment on a topic other than that under the jurisdiction of the Board and discussion on items other than under the Agenda item under consideration by the Board.

2. Handling Disruptions: When a disruption occurs, the Chairman shall first warn the party making the disruption (1) the nature of the disruption, (2) that the disruption is not permitted, and when appropriate, (3) if the disruption continues that such party may be ejected from the meeting. Repeated disruptions shall not be tolerated and any party or group which continues disruptive behavior after admonition shall be ejected by the Sheriff or the latter's designee, or the meeting adjourned to a future date and time.

SECTION 9. PROCEDURE FOR HEARINGS

- A. The order of procedure for hearings before the Board is:
 1. The Chairperson calls the agenda item by subject line or title. For appeal hearings, the Chairperson announces the scope of the hearing.
 2. Any Supervisor voluntarily or involuntarily disqualified from making or participating in the making of the decision announces the disqualification and leaves the meeting room; except that a disqualified Board member may address the Board as a member of the public and then only according to section 7 of these Rules of Notice and Procedure.
 3. The Staff report, if any, is given, including any recommended environmental action and, if appropriate, recommended conditions.
 4. The Chairperson acknowledges receipt of any documents offered in evidence and filed with the Clerk of the Board prior to the hearing.
 5. Public testimony is received from persons seeking approval or a recommendation for approval of the matter before the Board. The applicant of proponent, if any, may speak first upon request. In cases of appeal the appellant(s) shall speak first.
 6. Public testimony is received from any persons opposed to the matter before the Board.
 7. Summation is made by the applicant, proponent or appellant, at the discretion of the Chairperson and usually limited to five minutes.
 8. Rebuttal and surrebuttal are allowed at the discretion of the Chairperson and are limited to matters already raised by the prior evidence and testimony.
 9. The Chairperson closes the public testimony phase of the hearing.

10. Staff clarifies or modifies its recommendation, when appropriate.
11. The Board determines whether to decide the matter subject to preparation of appropriate findings, or continues the matter, in which case, paragraphs 12 and 13, below shall not apply.
12. Any required environmental determination is made, including findings.
13. A motion and second for disposition is made; discussion on the motion is held; the Chairman of the Board or the Chair's designee restates the motion; and the Board takes action, including findings.
14. The Chairperson announces the action of the Board.
15. The Chairperson may alter the foregoing order of procedure as circumstances require.
16. A Supervisor may ask a question of any person at any time during a hearing.
17. Letters, petitions and written, printed or photographic materials and other physical evidence intended to be used as evidence before the Board shall be filed with the Clerk of the Board prior to the time of the hearing, or presented to the Board at the hearing. The Clerk shall cause each piece of such evidence received by the Board to be adequately identified in the minutes of the hearing and shall include such evidence in the Clerk's file of the matter under consideration by the Board. Documents of things offered as evidence, but not admitted by the Board shall be returned by the Clerk to the offering person, if known, unless it is not feasible to do so.

This does not apply to technical and other documents kept as public records by any county department, officer or employee in the ordinary conduct of county business. Such documents may be included in the record by reference.

SECTION 10. ADOPTION OF ORDINANCES

A. Except in the case of an urgency measure hereafter referred to, an ordinance must be introduced at a regular or an adjourned regular meeting. At a regular or adjourned regular meeting which is five (5) days or more after the proposed ordinance has been introduced, it may be adopted. If all members agree, the proposed ordinance may be read by title only and further reading of the proposed ordinance may be waived. Unless this is done, the proposed ordinance must be read in full either when it is introduced or when it is adopted.

1. A proposed ordinance may not be changed in any way between its introduction and adoption except for the correction of typographical or clerical errors. If an ordinance is introduced at the one meeting and changed at a latter

meeting, it cannot be adopted until at least five (5) days elapses between the date it was changed and the date it was first adopted.

B. An urgency ordinance may be passed immediately upon introduction. An urgency ordinance may be adopted either at a regular, regularly adjourned or special meeting. A four-fifths (4/5) vote is required on an urgency measure.

1. An urgency ordinance may be adopted by title only, provided further reading is waived by unanimous vote of all Supervisors present.

C. Procedure for Adoption of Ordinances:

1. At the time established therefore on the Agenda, the Chairman shall read or ask the Clerk to read the title of the proposed ordinance.

2. A member wishing to move the introduction of the proposed ordinance should state in substance: "I move that further reading of the proposed ordinance be waived and the Ordinance No. _____ be introduced". If the motion is seconded the Chairman will direct the Clerk to call the roll. If a majority vote in favor is not obtained, the entire Ordinance must be read. In the event a member wishes to propose amendments to the proposed ordinance, the matter may be taken up either following introduction or when the proposed ordinance comes up for adoption.

3. When the matter is up for adoption, the motion is in substance: "I move that Ordinance No. _____ be adopted". The motion must be seconded and roll call vote shall be taken.

4. Posting or Publication. All ordinances, whether urgency or not, must, within fifteen days after adoption, be published in a newspaper of general circulation published in the County.

5. An ordinance which may be adopted after a required public hearing may be introduced and adopted at the same meeting.

SECTION 11. ADOPTION OF RESOLUTIONS

1. Method of Adoption: Resolutions shall be adopted by a majority vote of the members upon motion duly made and seconded.

2. A resolution shall take effect immediately. A resolution may be adopted by a voice vote except where the law requires a specific number of votes.

SECTION 12. DIRECTION OF COUNTY PERSONNEL

All direction to County employees should be given by such employee's Department Head, or CAO, or as otherwise provided by law. Individual Board Members shall not give directions to County employees. Individual Board members who have concerns about the foregoing should direct those concerns through the appropriate Department Head or CAO. If the Board members are not satisfied with the results of such Department Head or CAO's performance and response on such matter, he or she, may bring the concern before the Board of Supervisors. Board members may not attend staff meetings called by the Department Heads or the County Administrative Officer, unless invited.

SECTION 13. AMENDMENTS

- A. Amendments to these rules of procedure shall be by majority vote of the Board. A review of these rules shall be performed annually at the first meeting of each calendar year.

BE IT FURTHER RESOLVED that the minutes of proceedings of the Board shall be provided to each newspaper, radio and television station and library within the County and to any person who requests such information, as authorized by Government Code Section 25150(b).

BE IT FURTHER RESOLVED that this resolution supersedes and rescinds Resolution 18-024.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be made available to each Department Head and the CAO in the service of Lassen County.

The foregoing Resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Lassen, State of California, held the XXth day of XXXX, 2019 by the following vote:

AYES: Supervisors Hemphill, Gallagher, Teeter, Albaugh and Hammond.

NOES: None.

ABSENT: None.



Chairman, Lassen County Board of Supervisors

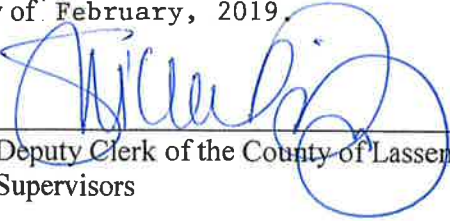
ATTEST:
JULIE BUSTAMANTE
Clerk of the Board

BY: 

Michele Yderraga, Deputy Clerk of the Board

RESOLUTION NO. 19-009

I, Michele Yderraga, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing resolution was adopted by the said Board of Supervisors at a regular meeting thereof held on the 19th day of February, 2019.



Deputy Clerk of the County of Lassen Board of
Supervisors



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.

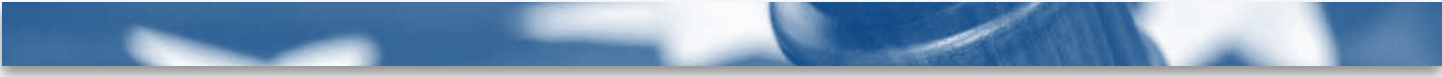


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INTRODUCTION

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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