

BYLAWS OF THE COUNTY OF LOS ANGELES CITIZENS REDISTRICTING COMMISSION

Article I. Authority

The County of Los Angeles Citizens Redistricting Commission (“Commission” or “LAC CRC”) is formed under Chapter 6.3 of Division 21 of the California Elections Code (currently, sections 21530 -21535).¹

Article II. Purpose

The Commission’s purpose is to “adjust the boundary lines of the supervisorial districts” of the Board of Supervisors (Board) “in the year following the year in which the decennial federal census is taken.” (Elections Code section 21531.) The Commissioner selection process is “designed to produce a commission that is independent from the influence of the board and reasonably representative of the County’s diversity.” (Elections Code section 215312, subd. (b).)

Article III. Powers and Duties

Section 3.01 The Commission has the powers and duty to establish single-member supervisorial districts for the Board pursuant to a mapping process as set forth in Elections Code section 21534.

Section 3.02 Prohibition. The Commission shall not consider the place of residence of any incumbent or political candidate in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party. (Elections Code section 21534, subd. (b).)

Section 3.03 Public Records. All records of the Commission related to redistricting and all data considered by the Commission in drawing the draft and final maps are public records. (Elections Code section 21534, subd. (d)(1).)

Section 3.04 Public Hearings. The Commission shall conduct the public hearings as required by Elections Code section 21534, subdivisions (c)(2) and (c)(3).

Section 3.05 Redistricting Plan. The Commission shall adopt a redistricting plan drawing the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in Elections Code section 21501, subdivision (a).

¹ Unless otherwise indicated, all statutory references herein are to the California codes.

Article IV. Rules of Membership

Section 4.01 Selection. The Commissioners have been, or shall once a decade be, selected in the manner provided by Elections Code section 21532.

Section 4.02 Size. The Commission shall be composed of 14 members. (Elections Code section 21532, subd. (c).)

Section 4.03 Qualifications. Commissioners shall meet all of the following qualifications:

- (a) Commissioners shall meet all of the qualifications set forth in Elections Code section 21532.
- (b) Any Commissioner who ceases to meet these qualifications during their term of service (e.g., moves outside Los Angeles County) must immediately notify the Co-Chairs in writing of such fact.

Section 4.04 Conduct. Commissioners shall conduct themselves in a manner that reinforces public confidence in the integrity of the redistricting process and shall apply Elections Code sections 21530 - 21535 in an impartial manner. (Elections Code section 21533, subd. (a).)

Section 4.05 Conflict of Interest.

- (a) Commission members are subject to the conflict of interest code the Board enacted for the Commission on January 5, 2021. (See Statement of Proceedings, http://file.lacounty.gov/SDSInter/bos/sop/1101631_010521.pdf, page 27 [item 25].) “Each commission member [is] a designated employee” for purposes of that code. (Elections Code section 21533(e).)
- (b) Each Commissioner shall timely file with the appropriate official or office a Statement of Economic Interests (California Fair Political Practices Commission Form 700, or its successor) as required by the conflict of interest code referenced in Section 4.05, subdivision (a) of these bylaws.

Section 4.06 Ethics Training. Each Commissioner shall complete AB 1234 Local Officials Ethics Training offered by the Fair Political Practices Commission within 60 days of taking office and shall provide proof of completion to the Commission’s legal counsel. Commissioners who completed AB 1234 training in the eighteen months before taking office need not repeat such training upon taking office, but are required to provide proof of such completion to the Commission’s legal counsel and must also comply with the obligation to repeat such training within two years of their last training.

Section 4.07 Vacancy.

- (a) A vacancy may arise upon any of the following occurrences:
- (1) Death or the three (3)-month or longer incapacity of a Commissioner;
 - (2) Submission of written notice to the Co-Chairs stating a Commissioner's intent to resign;
 - (3) Removal of a Commissioner by a recorded affirmative vote of nine (9) Commissioners, due to:
 - i. Three consecutive unexcused absences or five total unexcused absences in a calendar year. An unexcused absence means an absence which is not approved by a Co-Chair;
 - ii. A Commissioner's failure to continue to meet the qualifications in Elections Code section 21532;
 - iii. Conviction of a felony or any crime involving moral turpitude; or,
 - iv. Repeated or systemic violations of any provision of these Bylaws or Elections Code sections 21530-21535.
- (b) The Commission may fill a vacancy at a properly noticed meeting called in whole or in part for that purpose. If the Commission chooses to fill the vacancy, it shall endeavor to do so in a manner such that the newly constituted Commission as a whole will meet the criteria under which it was originally established under Section 21532. If possible, the Commission should select a replacement, if at all, from the pool of remaining qualified candidates from the initial Commissioners' selection process prescribed by Section 21532.

Section 4.08 Communications.

- (a) **Email.** Except as otherwise provided herein, each Commissioner shall use the Commission-provided email address (@crc.lacounty.gov) for all communications involving Commission business. Each Commissioner shall encourage the public to use the Commissioner's official email address in all correspondence with the Commissioner. Commissioners may use their personal email address for outgoing email related to Commission business only if the Commissioner also copies their official email address in all such correspondence. Each Commissioner shall promptly forward all email related to Commission business sent to their personal email address to their official Commission email address.
- (b) **Representing the Commission.** The Co-Chairs are the only official spokespersons for the Commission unless this responsibility is delegated in writing by the Co-Chairs or by a vote of nine (9) Commissioners. Except as provided in this paragraph, no Commissioner

shall make any statement or take any action taken on behalf of or in the name of the Commission. This does not prevent Commissioners from disseminating information in the name of the Commission regarding the time, place, or agendas of upcoming Commission meetings or hearings.

(c) **Communications Outside of Open Meetings or Hearings.**

- (1) **Prohibition Regarding LA County Supervisors.** Except during a public meeting or hearing, a Commissioner shall not intentionally communicate with a member of the Board, an agent for a member of the Board, or any of a Board member's immediate family members regarding redistricting (other than the time, place, or agendas of upcoming Commission meetings or hearings). A Commissioner shall promptly summarize and report any such communication that arises unintentionally to the Clerk of the Commission.
- (2) **Prohibition Regarding All Other Parties.** Except during a public meeting or hearing, a Commissioner shall not intentionally communicate with a member of the public, organization, or interest group regarding adjusting district lines. A commissioner shall promptly summarize and report any such communication that arises unintentionally to the Clerk of the Commission.
- (3) **Reporting Requirement for Other Communications.** Except during a public meeting or hearing, if a Commissioner directly communicates with anyone regarding a redistricting matter that might come before the Commission, other than another Commissioner, LAC CRC staff, legal counsel, consultants retained by the Commission or experts to learn about general redistricting principles, the Commissioner shall promptly forward originals or copies of all involved written or electronic communications to the Clerk of the Commission. For unrecorded verbal or other communication, a Commissioner shall promptly prepare a written summary of the communication and transmit the summary to the Clerk.
- (4) **Full Commission Awareness of Communications.** The Clerk of the Commission shall electronically distribute copies of, or links to, all reports or other materials the Clerk receives pursuant to paragraph (1)-(3) above to all Commissioners and post a copy of each communication or report on a Commission-approved website within one full business day of receipt.
- (5) **Log of Communications.** The Clerk of the Commission shall keep and post on a Commission-approved website a log of all substantive communications regarding redistricting or administrative matters received by the Commission or Commissioners outside of public meetings or hearings. This log shall include at least the following: the name of the person or organization communicated with, date of communication, and a general description of where the communication or a summary thereof can be located on a Commission-approved website.

- (d) **Information Regarding Meetings/Hearings.** Nothing in this Section (4.08) prevents Commissioners from disseminating information regarding the time, place, or agendas of upcoming Commission meetings or hearings, and Commissioners are not required to report or disclose such communications under subsections (1)-(3) above.
- (e) **Internet/Social Media.** Commissioners should keep in mind the provisions of Section 4.04 and are encouraged to use caution when communicating about redistricting on any internet platform or social media website, including the use of any digital icons that express emotion.

Article V. Officers

Section 5.01 Co- Chairs. The officers of the Commission shall be two (2) Co-Chairs. These officers may exercise powers and shall perform the duties prescribed by law, these bylaws, and any parliamentary authority adopted by the Commission.

Section 5.02 Duties of Officers. The duties of the Co-Chairs shall include the following:

- (a) To preside, one at a time, over Commission meetings, including all meetings and public hearings.
- (b) To set the meeting agendas.
- (c) To determine whether a quorum is present subject to the requirements of Elections Code section 21533.
- (d) To call special meetings, as allowed by law, when necessary.
- (e) To serve as the Clerk of the Commission unless the Commission has hired or designated someone else to fill that role.
- (f) To appoint Commissioners to ad hoc subcommittees or working groups established pursuant to Section 6.07, below.
- (g) Such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Commission.

Section 5.03 Election of Officers.

- (a) The election of officers shall be administered by a Commission staff member.
- (b) The term of office shall be one (1) year from the date of election unless nine (9) Commissioners affirmatively vote otherwise.
- (c) The person administering the election shall entertain and accept nominations of candidates at a properly noticed public meeting of the Commission.

- (d) Each Commissioner shall have one vote for each officer.
- (e) To win an election, a candidate must receive a majority of the votes cast in that election. If no candidate receives a majority, a last-place candidate shall be eliminated from the election (in case of a tie, elimination shall be by lot), the previous votes shall be erased, and Commissioners shall cast new votes.
- (f) Officers may serve multiple and/or consecutive terms.
- (g) Commissioners may elect a new officer after the term of an officer expires, or to complete the term of an officer who resigns or otherwise vacates their office.

Section 5.04 Succession of Duties. If both Co-Chairs are absent from a meeting, a majority of the members of the Commission present may select a Chair Pro Tem.

Article VI. Meetings

Section 6.01 Brown Act. As stated in Elections Code section 21534, subdivision (d), the Commission "shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code)." The Commission shall endeavor to provide more than the minimum 72-hour notice of meetings, agendas and supporting materials when practicable.

Section 6.02 Rules of Order. The rules contained in the 2011 edition of "Rosenberg's Rules of Order," attached as Exhibit A, except as otherwise provided herein, shall govern the Commission in its proceedings. The Commission may adopt additional rules to govern conduct at its meeting and all proceedings. Such rules may be changed by affirmative vote of nine Commissioners.

Section 6.03 Regular Commission Meetings. Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month, at 7 p.m. until such time as the Commission files the final map with the county elections official.

Section 6.04 Special Meetings. Special meetings of the Commission may be called in the manner provided by Government Code section 54956.

Section 6.05 Quorum. Nine members of the Commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. (Elections Code section 21533, subd. (c).)

Section 6.06 Agenda Items. A Co-Chair may place items on the agenda. A Co-Chair shall place items on the agenda at the request of four or more Commissioners.

Section 6.07 Committees. The Commission may establish ad hoc subcommittees or ad hoc working groups to focus on key issues. Such subcommittees or working groups shall consist of six (6) or fewer Commissioners.

Section 6.08 Attendance. Commissioners shall contact the Co-Chairs and the Clerk of the Commission in advance to report meeting absences or tardiness.

Section 6.09 Public comment. Public comment on non-agenda items will be limited to two (2) minutes per person, and public comment on agenda items will be limited to two (2) minutes per person. The time for non-English speakers shall be doubled if their comments need to be translated. The presiding Co-Chair may increase or decrease the time per person in the exercise of their discretion based on the number of speakers and the time available. To the extent time is increased or decreased, all persons speaking on a particular item shall be allowed equal time.

Article VII. Adoption and Amendment of Bylaws

Section 7.01 Adoption. These bylaws may be adopted by an affirmative vote of nine Commissioners present at a duly convened regular meeting.

Section 7.02 Amendment. These bylaws may be amended by an affirmative vote of nine Commissioners present at a duly convened regular meeting.

EXHIBIT A



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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