

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion or I second it or second.*
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition; "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules:

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote



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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PROPOSED Staff Report

TO: Board of Harbor Commissioners
FROM: Julie van Hoff, Director of Administrative Services
DATE: August 21, 2019
SUBJECT: Committee of the Whole; consider creating a policy

Recommendation/Motion:

Receive report and provide direction to staff on whether to draft a Policy that would allow a Committee of the Whole.

Policy Implications:

District Ordinance §2.05.030 'Conduct of Meetings'
Roberts Rules of Order §52 'Committee of the Whole'

Fiscal Implications/Budget Status:

None at this time

Background:

The District's Ordinance Code §2.05.030 'Conduct of Meetings' states that "meetings of the Board of Harbor Commissioners shall be governed by the latest edition of Robert's Rules of Order on all matters pertaining to parliamentary law". Robert's Rules of Order Newly Revised §52 allows for a Committee of the Whole (Attachment 1). A Policy would provide information and rules regarding a Committee of the Whole.

A Committee of the Whole is a device that enables the full board to give detailed consideration to a matter under conditions of freedom approximating those of a committee. It provides an opportunity for the whole board to work towards a common understanding of an issue by listening and reviewing reports together in the same room and the same time. This may assist in building consensus and develop recommendations for action.

A Committee of the Whole does not make final decisions. Votes taken at a Committee of the Whole are related only to recommendations and to decide if issues are ready to be taken to the board.

Attachment 2 is a copy of an article 'Suggestions for Organizing an Effective Committee of the Whole for local Government' written by Julie Pioch of Michigan State University Extension. Staff recommends that this be used as a framework for a Committee as a Whole Policy, along with the Ralph M. Brown Act rules. Items to be included in the policy are as follows:

- 1) Rules for holding a Committee as a Whole.
- 2) In debate, each board member can speak an unlimited number of times as often as he/she is able to get the floor. However, the board member cannot speak another time on the same question so long as a member who has not spoken on it is seeking the floor. The Policy may include time limitations.
- 3) Determination of the Chair of the Committee. This may be one board member on a continual basis or board members may rotate.
- 4) Set a schedule for getting items on the agenda for the Committee as a Whole. Staff has been unable to find a reference to a Committee as a Whole for public notice purposes and will investigate further as to whether a 24-hour or 72-hour notice is required. It appears that a motion may be made during a regular Board meeting to go into a Committee as a Whole when an agenda item requires more informal debate during a Board meeting.
- 5) Schedule the time of day and duration of the committee meeting.

Summary:

A Committee of a Whole may expedite business by encouraging valuable discussion of issues and provide a forum where members and staff can bounce ideas to get feedback. It provides an opportunity for greater input and understating and increases transparency of the decision-making process. This would be an effective way to discuss such items as the Strategic Plan and Master Plan.

Attachments:

Attachment 1 Roberts Rules of Order §52 'Committee of the Whole'

Attachment 2 'Suggestions for Organizing an Effective Committee of the Whole for local Government'

- 1 any amendment—for the same length of time as allowed by
the assembly's rules—as often as he is able to get the floor.
As under the regular rules of debate, however, he cannot
speak another time on the same question so long as a member
5 who has not spoken on it is seeking the floor.

Each of these three devices is best suited to assemblies of
a particular range in size and provides a different degree
of protection against disorderliness and its possible conse-
quences—which are risked when each member is allowed to
10 speak an unlimited number of times in debate, such risk
increasing in proportion to the size of the assembly. With
respect to this type of protection, the essential distinc-
tions between the three procedures may be summarized as
follows:

15

- In a *committee of the whole*, which is suited to *large assemblies*, the results of votes taken are not final decisions of the assembly, but have the status of recommendations which the assembly is given the opportunity to consider
20 further and which it votes on finally under its regular rules. Also, a chairman of the committee of the whole is appointed and the regular presiding officer leaves the chair, so that, by being disengaged from any difficulties that may arise in the committee, he may be in a better position to preside effectively during the final consideration
25 by the assembly.
- In the *quasi committee of the whole*, which is convenient in *meetings of medium size* (about 50 to 100 members), the results of votes taken are reported to the assembly for
30 final consideration under the regular rules, just as with a committee of the whole. But in this case the presiding officer of the assembly remains in the chair and presides.
- *Informal consideration*, which is suited to *small meetings of ordinary societies*, simply removes the normal limitations
35 on the number of times members can speak in debate.

1 stated in the first paragraph of this section. The regular
presiding officer remains in the chair; and the results of
votes taken during informal consideration are decisions
of the assembly, which are not voted on again.

5 The complete rules governing committees of the whole,
proceedings in quasi committee of the whole, and informal
consideration are given below.

Committee of the Whole 10

Although the committee of the whole is not used exten-
sively except in legislative bodies, it is the oldest of the three
devices described above and is the prototype from which the
other two are derived. Unlike the processes of quasi commit-
tee of the whole and informal consideration, a committee of
15 the whole is a real committee in the parliamentary sense.
Therefore, during the time that a meeting is "in committee
of the whole," even though the committee consists of the en-
tire body of members in attendance at the assembly's meet-
ing, it is technically not "the assembly." 20

The parliamentary steps in making use of a committee of
the whole are essentially the same as those involved in refer-
ring a subject to an ordinary committee. The assembly votes
25 to go into a committee of the whole (which is equivalent to
voting to refer the matter to the committee), and a chairman
of the committee is appointed. The committee considers the
referred matter, adopts a report to be made to the assembly,
then votes to "rise and report." Finally, the committee chair-
30 man presents the report and the assembly considers the com-
mittee's recommendations—all as in the case of an ordinary
committee.

GOING INTO COMMITTEE OF THE WHOLE. As
35 implied above, the motion to go into a committee of the

1 whole is a form of the motion to commit (13). The motion
is made as follows:

MEMBER (obtaining the floor): I move to go into a committee of the
5 whole [or, "I move that the assembly now resolve itself into a committee
of the whole"] to consider the pending question [or "to take under con-
sideration . . . (stating the subject)"]. (Second.)

10 Instructions to the committee of the whole can be included
in this motion of referral.

If the motion of referral to the committee of the whole is
adopted, the presiding officer immediately calls another
member to the chair—frequently, but not necessarily, the
15 vice-president—and takes his place as a member of the com-
mittee. In large assemblies, the secretary may also leave his
seat, the committee chairman may preside from that position,
and an assistant secretary may act as secretary of the commit-
tee. For the committee's use until it reports, its secretary
should keep a temporary memorandum of the business it
20 transacts, but the committee's proceedings are not entered
in the minutes of the assembly. Those minutes should carry
only the same kind of record of the referral to a committee
of the whole, the committee's report, and the assembly's
action on the report, as if the committee had been an ordi-
25 nary one.

CONDUCT OF BUSINESS. Like ordinary commit-
tees, a committee of the whole cannot alter the text of
any resolution referred to it; but it can propose amend-
30 ments, which it must report in the form of recommendations
to the assembly. Amendments to a resolution *originating
in the committee* are in order, however; and if such amend-
ments are adopted within the committee, they are incorpo-
rated in the resolution before it is reported to the assembly
35 for action.

A committee of the whole is under the rules of the assem-
bly, except as follows:

- 1) The only motions that are in order in a committee of the
whole are to adopt (within the committee, for inclusion
5 in its report), to amend (what it is proposed to report),
and to "rise" or "rise and report"*—except that, among
the incidental motions, a point of order (23) can be
raised, an appeal from the decision of the chair (24) can
be made, a division of the decision of the chair (29) can be
10 made, a division of the assembly (29) can be called for,
and applicable requests and inquiries (32, 33) can be
made.
- 2) In debate on motions to adopt or amend, unless a limit is
prescribed by the assembly before it goes into committee
15 of the whole as explained below, each member can speak
an unlimited number of times under the rules given in the
first paragraph of this section.**

If the committee of the whole wishes action to be taken
20 which requires the adoption of any motion other than those
that are in order in the committee as listed in (1) above, it
must vote to rise and report a recommendation that the
assembly take the desired action (see below). The motion to

*As applied to committees in general, the word *rise* simply describes the
parliamentary step of ceasing to function as a committee, preparatory to mak-
ing a report. As stated on page 502, lines 5–11, the motion to rise is not used
in ordinary standing committees, and in ordinary special committees it is
used only when the committee is ready to make its final report and go out of
existence. In a committee of the whole, on the other hand, the word *rise*
applies to any case of the committee's returning to the status of the assem-
bly—whether it is expected to be temporarily or permanently.

**Appeals in committee of the whole are debatable under the same rules
as in the assembly—that is, each member (except the chair) can speak only
once in debate on them.

1 rise is undebatable and cannot be amended, and it is always
in order in committee of the whole, except during voting or
verifying a vote and when another member has the floor.

5 Among the consequences of the rules stated in the pre-
ceding paragraph are the following:

- A committee of the whole cannot appoint subcommittees or refer a matter to another (ordinary) committee.
- 10 • An appeal from the decision of the chair must be voted on directly, since it cannot be postponed or laid on the table in the committee.
- 15 • The only way for debate to be closed or limited in the committee is for the assembly to specify such conditions before going into committee of the whole. If the committee develops a desire to have debate limited, it can only do so by rising and requesting the assembly to impose the desired limits, as explained below. If debate has been closed at a particular time by order of the assembly, the committee does not have the power, even by unanimous consent, to extend the time.
- 20 • A roll-call vote or a vote by ballot cannot be ordered in a committee of the whole, nor can a counted rising vote be ordered except by the chair.
- 25 • A committee of the whole has no power to impose disciplinary measures on its members, but can only report the facts to the assembly. If the committee becomes disorderly and its chairman loses control of it, the presiding officer of the assembly should take the chair and declare the committee dissolved.
- 30 • A committee of the whole cannot adjourn or recess, but must rise in order that the assembly may do so.

35 **RISING AND REPORTING.** When a committee of the whole has completed its consideration of the matter referred to it, or when it wishes to bring the meeting to an end,

1 or wishes the assembly to take any other action requiring the
adoption of a motion which is not in order in the committee,
the committee rises and reports.

5 If the committee originates a resolution, it concludes by
voting to report the resolution, as perfected. If a resolution
was referred to the committee, however, it votes only on any
10 amendments that it will recommend, not on the resolution,
which it reports back to the assembly with the recommended
amendments. On a motion, or by unanimous consent, the
committee rises and the presiding officer of the assembly re-
surnes the chair. The committee chairman returns to a place
15 in the assembly in front of the presiding officer, at which,
standing, he addresses the chair:

20 **COMMITTEE CHAIRMAN:** Mr. President, the committee of the whole
has had under consideration . . . [describing the resolution or other mat-
ter] and has directed me to report the same as follows: . . .

25 The sample reports in the subsection *Manner of Presen-
tation and Disposition of Committee Reports in Particular
Cases* (pp. 514ff.) may be used as guides for reporting similar
cases from a committee of the whole, and the procedures for
disposing of such reports as described in the same pages are
likewise applicable. If no amendments are reported, the chair
states the question on the resolution that was referred to the
committee or that it recommends for adoption; and this ques-
tion is then open to debate and amendment in the assem-
30 bly. If amendments proposed by the committee are reported,
the committee chairman reads them and hands the paper
to the chair, who reads them again or has the secretary do
so. The chair then states and puts the question on all of the
committee's amendments in gross (that is, taken together),
unless a member asks for a separate vote on one or more of
35 them. If so, a single vote is taken on all of the other amend-
ments, and then the question is stated separately on each of

1 the amendments for which a separate vote was asked. These amendments can be further debated and amended in the assembly, as can the main question after action on all the committee's amendments—under the same rules as when any other committee reports.

5 If the committee, to facilitate completion of its work, wishes the assembly to take an action outside the committee's powers that requires the adoption of an undebatable motion—for example, to limit debate in the committee—
10 a motion to rise should be made in a form like the following

MEMBER (obtaining the floor): I move that the committee rise and request that debate be limited . . . [specifying the desired limitation] (Second.)

15 If this motion is adopted, the committee chairman reports to the assembly as follows:

COMMITTEE CHAIRMAN: Mr. President, the committee of the whole
20 has had under consideration . . . [describing the referred matter] and has come to no conclusion thereon, but asks permission [or "leave"] to continue sitting with debate limited . . . [specifying the limitation].

25 The presiding officer then puts the question on granting the request, and if the result is affirmative, the committee chairman resumes the chair.

A committee of the whole can also rise, before completing its work, to request instructions, in which case the nature or wording of the request should be agreed to before the motion to rise is made.

30 If the committee wishes to bring its proceedings to an end because it believes the matter can be better handled under the assembly's rules, or because it wishes the meeting to be adjourned, the motion to rise can be made in the
35 form:

MEMBER (obtaining the floor): I move that the committee rise. (Second.) 1

If this motion is adopted, the committee chairman then reports: 5

COMMITTEE CHAIRMAN: The committee of the whole has had under consideration . . . [describing the matter] and has come to no conclusion thereon. 10

With such a report, the committee passes out of existence unless the assembly directs it to sit again. In this connection, however, the committee in reporting can "ask permission to sit again," with or without specifying a time; and in granting such a request, the assembly can make the sitting a general order or a special order (41) for a particular time. If the assembly grants the committee permission to sit again without specifying a time, the sitting is unfinished business. A committee of the whole cannot itself arrange a future meeting.

15 If an hour for adjournment has been preset in the assembly and it arrives while the meeting is in committee of the whole, the committee chairman announces, "The hour for adjournment of the assembly has arrived and the committee will rise." The committee chairman then reports that the committee has come to no conclusion on the referred matter, as described in the preceding paragraph. 20 25

QUORUM IN COMMITTEE OF THE WHOLE.

The quorum of a committee of the whole is the same as that of the assembly unless the bylaws provide, or the assembly establishes, a different quorum for the committee. If the bylaws do not provide a different quorum for the committee, the assembly can establish one in the particular case before going into committee of the whole, regardless of the quorum that the bylaws require for the assembly. If at any time the 30 35

1 committee finds itself without a quorum, it must rise and
report the fact to the assembly. If the assembly itself is there-
upon without a quorum, it must then adjourn or take one of
the other courses that are open in the absence of a quorum
5 (pp. 347-48).

Quasi Committee of the Whole (Consideration As If in Committee of the Whole)

10 A somewhat simpler version of the committee of the
whole, in effect, is the procedure of consideration in quasi
committee of the whole (or consideration as if in committee
of the whole), which is convenient in assemblies of medium
size. In contrast to a committee of the whole, the quasi com-
15 mittee of the whole is not a real committee, but is "the as-
sembly acting as if in committee of the whole."

GOING INTO QUASI COMMITTEE OF THE
WHOLE. The motion for consideration in quasi committee
20 is made in a form like this:

MEMBER (obtaining the floor): I move that the resolution be consid-
ered in quasi committee of the whole [or "be considered as if in com-
mittee of the whole"]. (Second.)

25 This motion is debatable as to the desirability of going into
quasi committee, just as any other motion to *Commit*. If it is
adopted, the chair concludes his announcement of the result
of the vote as follows:

30 CHAIR (after declaring the voting result): The resolution is before
the assembly as if in committee of the whole.

35 The presiding officer of the assembly does not appoint a
chairman of the quasi committee, but remains in the chair
himself throughout its proceedings. The assembly's secretary

1 should keep a temporary memorandum of the business trans-
acted in quasi committee; but, just as in the case of a real
committee of the whole, the minutes of the assembly should
carry only a record of the report from quasi committee and
the action thereon, as shown below. 5

CONDUCT OF BUSINESS. In the quasi committee
of the whole, the main question and any amendments that
may be proposed are open to debate under the same rules as
in a real committee of the whole—each member being 10
allowed to speak an unlimited number of times as explained
on pages 529-30. In contrast to the case of a real committee
of the whole, however, any motion that would be in order in
the assembly is also in order in the quasi committee, where it
is debatable only to the extent permitted under the assembly's 15
rules. But if any motion except an amendment is adopted, it
automatically puts an end to the proceedings in quasi com-
mittee. Thus, for example, if a motion to refer the main ques-
tion to an ordinary committee is made in quasi committee
of the whole, such a motion to *Commit* would be equivalent 20
to the following series of motions if the matter were being
considered in a real committee of the whole: (1) that the com-
mittee of the whole rise; (2) that the committee of the whole
be discharged from further consideration of the subject; and
25 (3) that the question be referred to an ordinary committee.

REPORTING. The motion to rise is not used in quasi
committee of the whole. If the quasi committee is not
brought to an end as described in the preceding paragraph,
then, when no further amendments are offered in response 30
to the chair's call for them, the presiding officer immediately
proceeds to report to the assembly and to state the question
on the amendments as follows:

35 CHAIR: The assembly, acting as if in committee of the whole, has had
under consideration . . . [describing the resolution] and has made the

1 following amendments . . . [reading them]. The question is on the adop-
tion of the amendments.

5 The proceedings in a quasi committee of the whole are thus
concluded, and from this point the procedure is the same as
in disposing of the report of a real committee of the whole
(p. 535, l. 19 to p. 536, l. 5)—the chair putting the question
on the reported amendments in gross, except those for which
a separate vote may be asked, and so on.

10 Informal Consideration

As explained above, if a question is considered in either a
real committee of the whole or in quasi committee of the
15 whole, the recommendations of the committee or quasi com-
mittee must be reported to the assembly and then the assem-
bly must take action on these recommendations. In ordinary
societies whose meetings are not large, a much simpler
method is to consider the question informally, which in effect
20 only suspends the rule limiting the number of times a mem-
ber can speak in debate on the main question and any amend-
ments to it.

When it is desired to consider a question informally, a
member makes the motion that this be done:

25 MEMBER (obtaining the floor): I move that the question be consid-
ered informally. (Second.)

30 This is a variation of the motion to *Commit*, and can be de-
bated only as to the desirability of considering the question
informally. If the motion is adopted, the chair announces the
result thus:

35 CHAIR (after declaring the voting result): The question is now open
to informal consideration. There is no limit to the number of times a
member can speak on the question or any amendment.

The "informal" aspect of the consideration applies only
to the number of speeches allowed in debate on the main
question and its amendments; all votes are formal, and any
other motion that is made is under the regular rules of debate.
In contrast to the case of a committee of the whole or quasi
committee of the whole, the proceedings under informal con-
sideration are recorded in the assembly's minutes, just as they
would be if the consideration were formal. While considering
a question informally the assembly can, by a two-thirds vote,
limit the number or length of speeches, or in any other way
limit or close debate. As soon as the main question is disposed
of, temporarily or permanently, the informal consideration
10 automatically ceases without any motion or vote.

Before the main question is disposed of, the informal con-
sideration can be brought to an end, if desired, by adopting
15 by majority vote a motion "that the regular rules of debate
be in force," or "that the question be considered formally."

Aids to the Crystallization of Opinion

The more traditional aids to the crystallization of opinion
20 in societies have been, simply, to take a *Recess* or to refer the
matter to a committee—often a large committee composed
of members representing differing views in the society, such
as a committee of the whole or one of its alternate forms. In
25 more recent years, a practice has developed of establishing
breakout groups with every member in attendance being
urged to participate in a group. Each breakout group, of
which there may be many, is usually kept small—frequently
30 ten or twelve persons—and a moderator is appointed for each
group. Often, the groups meet during a recess or adjourn-
ment of the assembly. Sometimes, the conclusions reached by
the various breakout groups are conveyed to a committee that
assembles them and attempts to report a consolidated re-
35 sponse to the assembly. At other times, the breakout groups
report through their moderators directly to the assembly after

- 1 it has been reconvened and the matter under consideration is again pending. These reports are in the nature of debate. Whatever method is used, in the end, the pending measure must be returned to the full assembly for final consideration
- 5 under normal parliamentary procedure—just as in the case of a referred question reported back by a committee—and the assembly must make the final decision, if whatever is to purport to be a product of the assembly is to be valid as the assembly's act.

Suggestions for Organizing an Effective Committee of the Whole for local Government

Julie Pioch, PRP
Michigan State University Extension
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A committee is typically a subset (one or more people) of a board assigned by appointment to investigate certain matters of importance to the government unit. A committee does not carry with it the powers of the entire board, but can only carry out the functions that are prescribed to them by the board. According to Roberts Rules of Order, Newly Revised, (11th edition), “An assembly can also designate all of its members present to act as a committee, which is called a committee of the whole and is distinguished from an ordinary committee” (p. 489 ll. 30-33). A committee of the whole is different than a regular committee because it includes all of the members of a board. It is like an ordinary committee in that the only authority a committee of the whole has is that which is assigned to it by the board. The purpose of such a committee is to allow all of the members of a board an opportunity to engage in informal discussion on ideas and proposals which may eventually result in a recommendation to the board.

A Committee of the whole is used primarily by legislative bodies. Robert’s Rules of Order, Newly Revised (RONR) provides a description of how a large board may use a committee of the whole as an opportunity for informal discussion during a meeting (RONR (11ed.), pp 529 – 542). In practice, committees of the whole have differed from RONR and have taken the form of a standing committee, for which boards have developed a regular schedule of meetings, order of business and committee rules of order. The most effective use of committee of the whole for county boards is to combine the practice of a stand-alone committee of the whole with the rules prescribed by RONR.

A committee of the whole may or may not take the place of other board standing committees. Often times, there is still a need for specialized committees to perform in-depth research on a topic or take leadership in a specific area significant to the county. The difference is that a committee of the whole allows for the whole board to work towards common understanding of an issue by listening and reviewing reports together in the same room at the same time. Working in a committee of the whole can help boards reach consensus and develop recommendations for action over a series of meetings. In a committee of the whole, formal rules of debate such as the number of times and how long a member can speak are modified or dispensed with altogether. Committee of the whole meetings can include listening to reports and expert speakers and if the board allows may allow nonmembers (such as staff) to participate in the deliberations.

Topics for recommendation are brought to a committee of the whole by a board member, a board committee, a staff member or any other stakeholder allowed by the board. Within the committee, board members listen to reports, ask questions of members and guests, and request additional information or research to be done to be able to fully understand an issue.

The primary outcome is for the board to feel they have enough information or have had enough conversation around an issue to be able to make a recommendation to the full board for action. Just like other committees of a board, a committee of the whole does not make final decisions. That work is done in the regular board meeting. Votes taken in committee of the whole are related only to recommendations and to decide if issues are ready to be taken to the board. It may also be determined that an issue is not within the jurisdiction of the board. Decisions to refer an issue to another board or constituent group might also be made in the committee of the whole.

To effectively manage a committee of the whole and to make sure members have a clear understanding of how it differs from the regular board meeting, the board should adopt some committee rules. These rules should be formally adopted in a regular board meeting. Protocol should be determined as to how information will flow between the committee of the whole and the regular board meetings and who will manage that process. Here are some suggestions for a successful committee of the whole structure:

- Determine who will be the chair of the committee. It is suggested to have someone other than the board chair preside for several reasons: 1) the board chair could participate in debate more freely helping to craft a recommendation when appropriate, and if disengaged during committee conversation may be in a better position to preside effectively during the final consideration of the issue by the board, 2) from a public standpoint, it will be clearer to nonmembers that the meeting is in committee and not the regular board meeting since the chair is not presiding and 3) allows an opportunity for other members to gain some experience in presiding. Some boards assign the role of committee chair to a certain member such as the vice-chair; some alternate the chair assignment to different members of the group. It is up to each board to determine the most effective option.
- Set a schedule for getting items on the agenda for committee of whole and communicate that to all board members and staff. Determine who will be responsible for receiving items, what descriptive information must accompany that item, how agendas and packets will be distributed to members and by what time prior to the meeting they should be submitted. Boards with administrative staff should determine if this will be solely a staff function or if leadership of the board will be involved in deciding what issues will be placed on the committee's agenda. Whether or not you allow things to be added to the agenda at the beginning of the committee meeting is dependent upon the culture of your organization but should also be determined when making your rules.
- Set a time of day and duration for the committee of the whole that allows for discussion of issues. Be cognizant of the time allotment made for the committee of the whole and don't load too much work into one meeting. Conversely, adjust the length of the meeting if there are many items to work through. Over time, boards develop their own

best practices once they get comfortable with the workflow and timing of committee of the whole meetings.

- Determine if you want all board issues to go through committee of the whole before going to the full board for action. If such a policy is set make sure that the timing of your meetings is such that issues can be discussed in committee and taken up at a board meeting in a logical time fashion. A board can suspend the rules if an issue needs immediate action, however timing a committee of the whole the same day or a few days prior to a board meeting can remediate this situation before it happens. For example, committee of the whole is set for two hours prior to the regular monthly board meeting. The board has decided that all items ready to move from committee to the board get placed on the agenda on the following month's meeting agenda which allows time for preparing the agenda, notice etc. However, if an urgent issue arises which needs action that month, the issue can be discussed in committee then immediately taken to the board for action that same day if the board allows it. If taken to the board that evening, any prepared agenda would need to be amended.
- Make sure there is clarity in reporting for other standing or special committees, that is, are committee reports heard in committee of the whole or during the regular board meeting. This may change depending on the nature of the report. For example, if a special committee is making a final recommendation for action, that report would likely come directly to the board meeting but if the committee is making a status report or asking for input from other members on direction or next steps that may fit better into the committee of the whole agenda.
- Public boards governed by Michigan's Open Meetings Act must provide public notice of the meetings of the committee of the whole because a majority of the board members will be present. No official actions are made in committee of the whole; however, recommendations may be made to not take something to the board. The press will be eager to attend committee of the whole meetings because that is where a great deal of the real debate on issues important to them will be done. Boards should be very open with the press and public about the timing of these meetings. It is up to the board whether or not they have public comment as an item on the agenda of the committee of the whole. Because of the informal nature of the meeting, audiences have been seen to join in on the deliberations; boards should be diligent in making sure the audience understands proper meeting protocol.
- When a contentious issue comes before the committee where consensus on a particular recommendation cannot be reached or where a majority determines that it should not be recommended for adoption, the issue should still be taken to the regular board meeting so that the board can vote on its final disposition. The motion placed before the board should always be phrased in the positive where yes means yes and no means no. During debate on the motion, the majority and minority opinions heard in committee should be succinctly voiced then a vote taken on the issue for final resolution. This does

not mean that the motion could not be amended from its original form during debate in the board meeting - the point here is to bring things to the board for a vote so that there can be action or closure and not leave issues unresolved in committee.

- The use of a consent agenda in a board meeting is an efficient way to carry information forward from committee of the whole to the board. Issues that have been thoroughly discussed, are routine, or otherwise not in need of further debate can be placed on the consent agenda for quick approval allowing time in the board meeting for other important matters.

In summary, using a committee of the whole to allow for in-depth, informal consideration of topics can be useful to county boards. Although the use of a committee of a whole as a standing committee differs from what is described in RONR (11th edition), the committee of the whole carries with it the same characteristics and serves the board in a similar way. A committee of the whole should not become a bottleneck where business gets stuck. Rather the use of this form of committee should expedite business by encouraging valuable discussion of the issues, provide a forum where members and staff can bounce ideas to get feedback and create excitement about opportunities to improve programs and services. Rules for a committee of the whole should be practical and meetings scheduled in a timely fashion. A board will develop their own patterns for workflow and timing over time and should modify their committee rules as they develop to be most effective. Two positive outcomes that come from effective use of a committee of the whole are 1) the opportunity for greater input from board members and stakeholders yielding better board decision making and 2) increased transparency of the decision-making process.