

Parliamentary Law & Procedure and the California Brown Act



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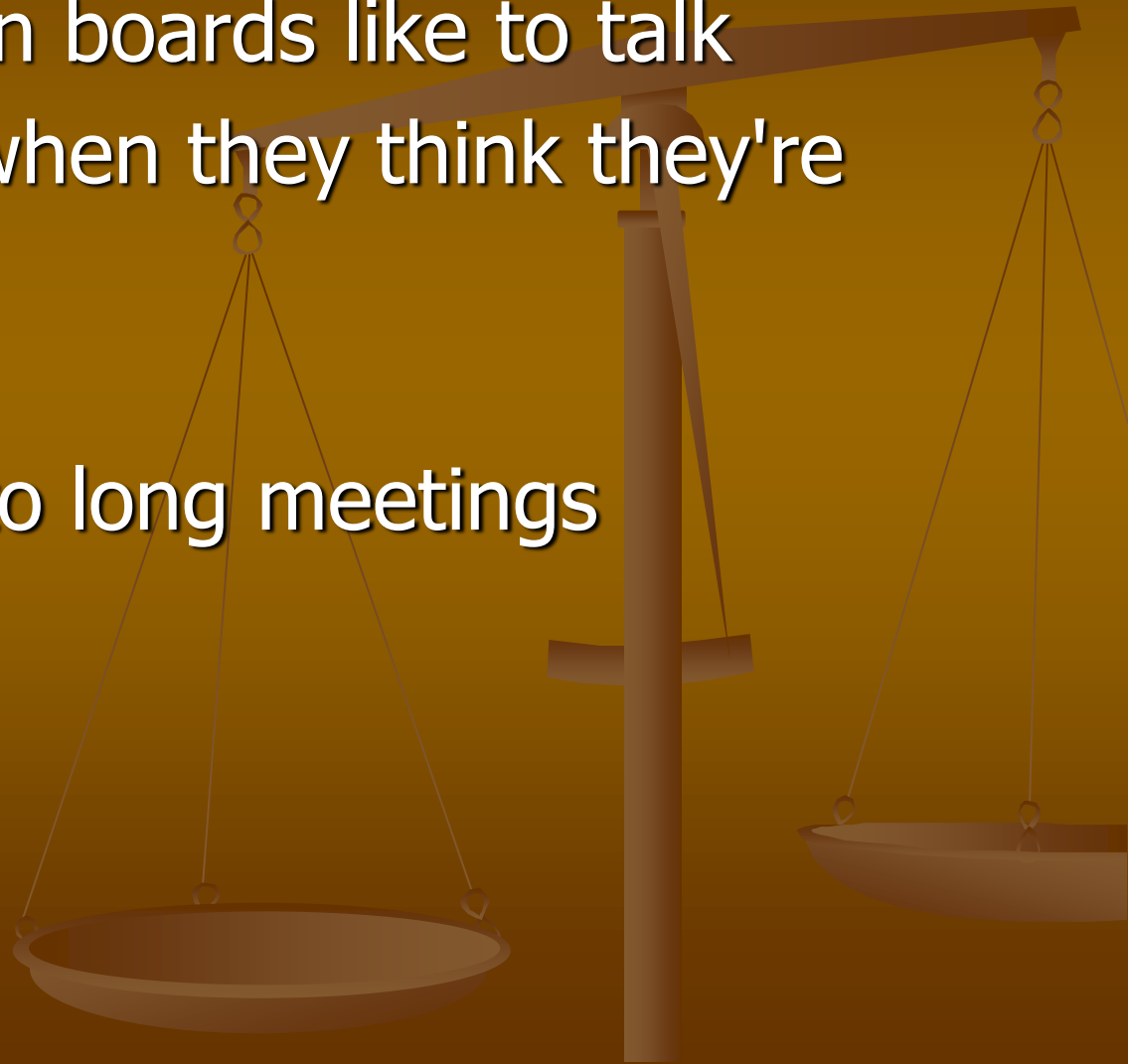
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Noteworthy

1. People who join boards like to talk
2. People argue when they think they're right

1 & 2 contribute to long meetings

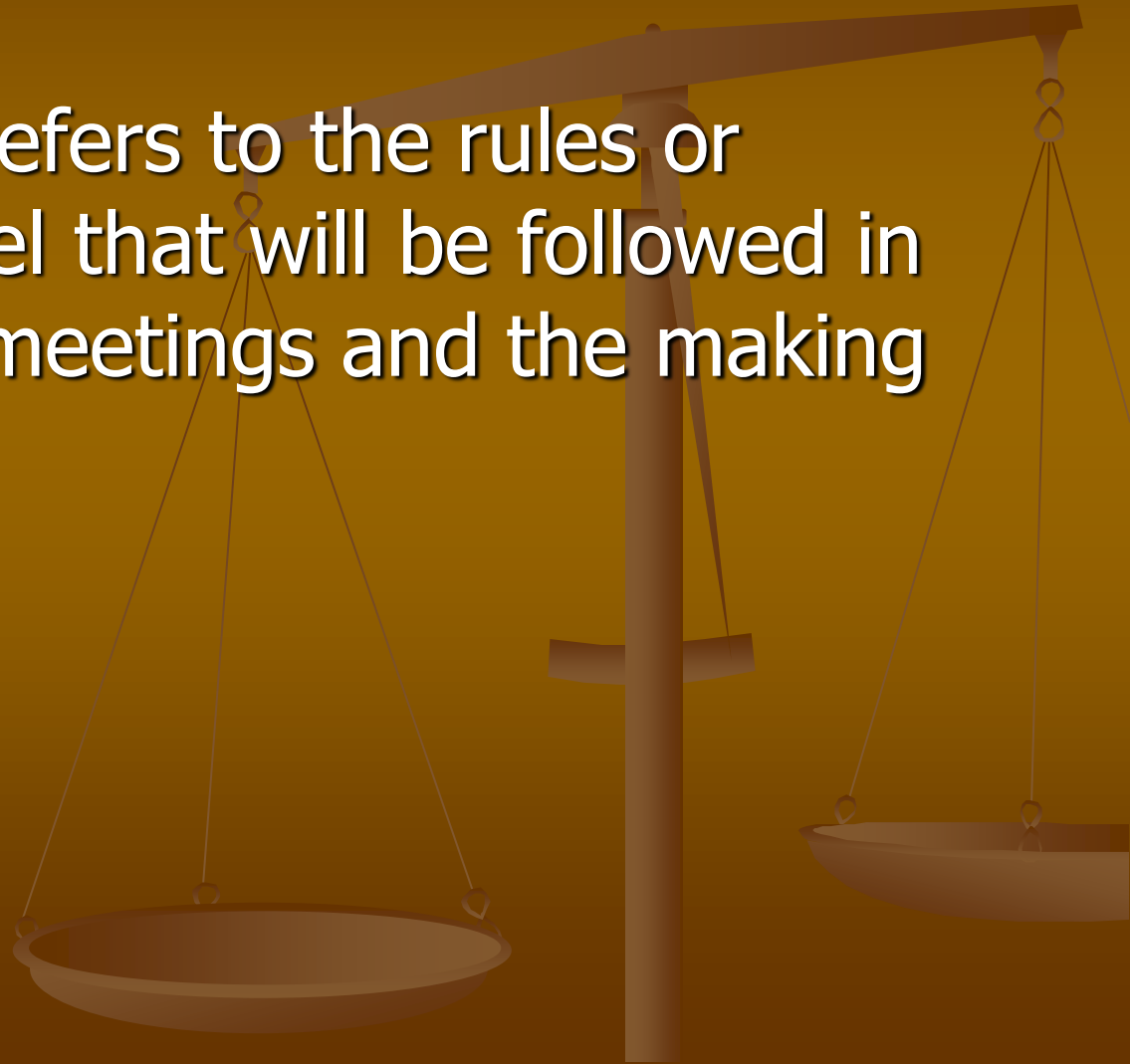


Parliamentary Procedure

- “Parliament” – refers to a decision-making body
 - Elected legislative body
 - Corporate board
 - Appointed committee
 - Volunteer organization
 - Social club or fraternity

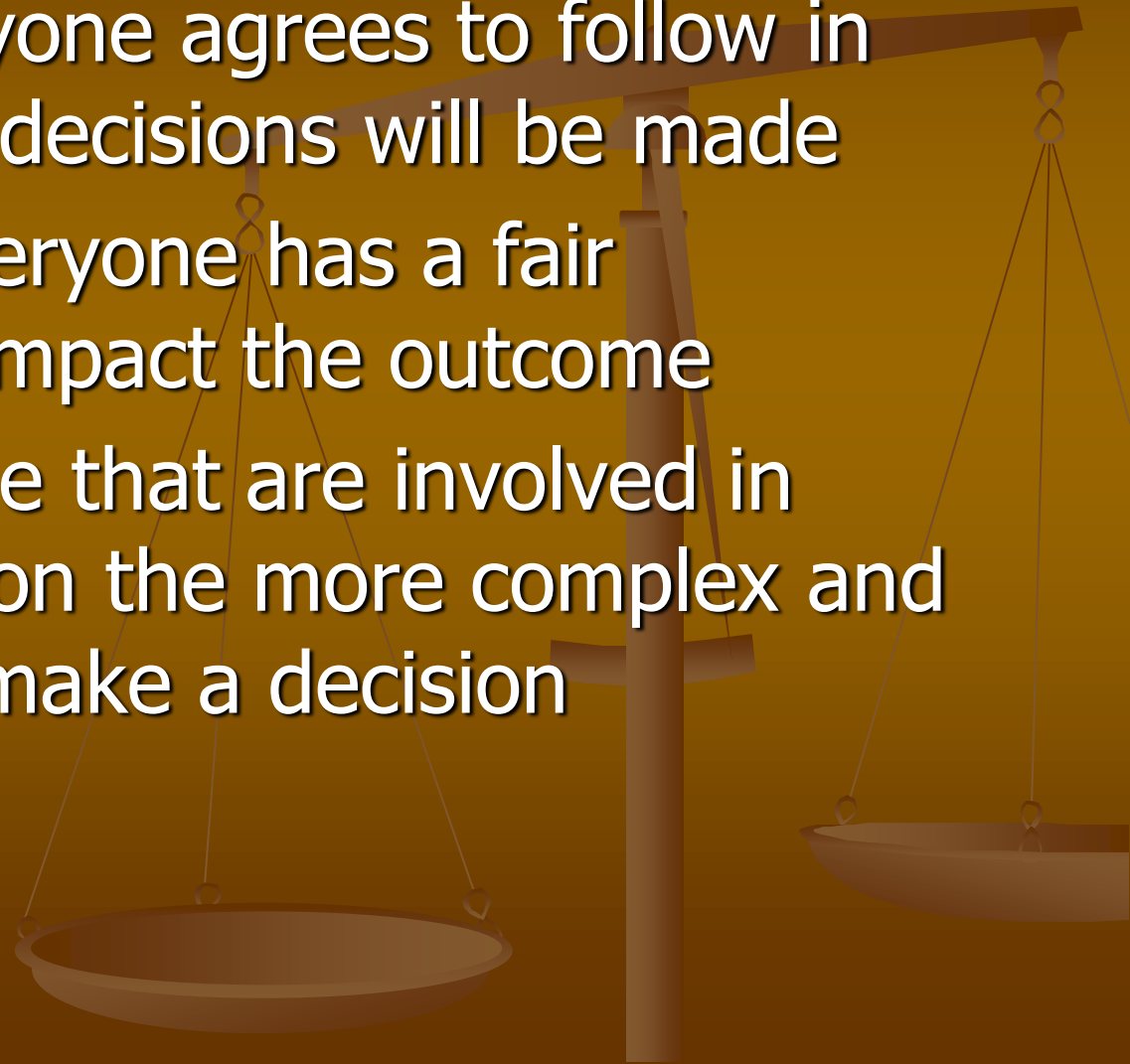


- “Procedure” -- refers to the rules or process or model that will be followed in the conduct of meetings and the making of decisions



Parliamentary Procedure

- Rules that everyone agrees to follow in relation to how decisions will be made
- Assures that everyone has a fair opportunity to impact the outcome
- The more people that are involved in making a decision the more complex and difficult it is to make a decision



- Not designed to speed things up
- Designed to:
 - Promote efficiency
 - Avoid redundancy
 - Maintain order
 - Move things forward
 - Assure fairness

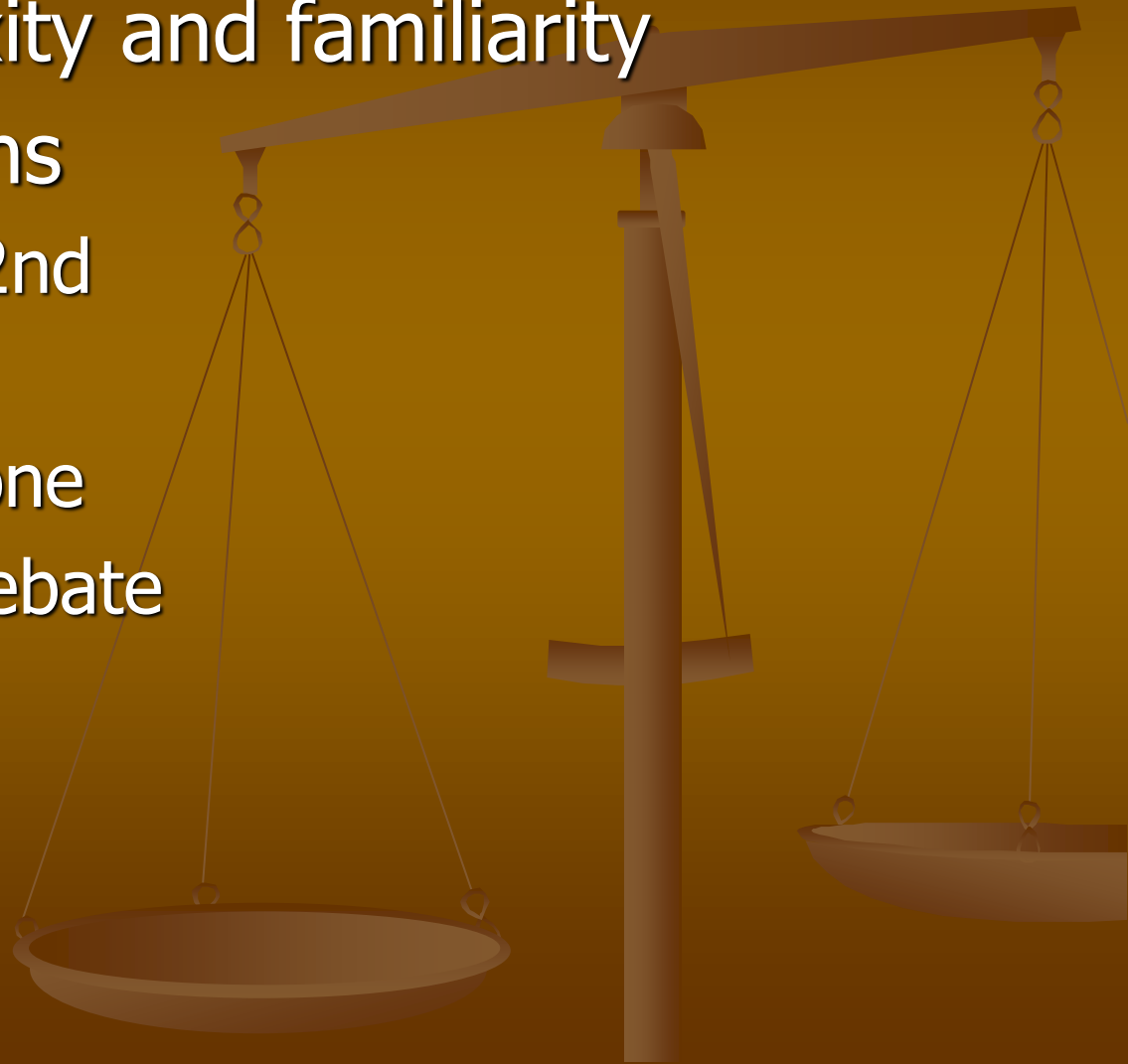




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Motions and Rules

- Vary in complexity and familiarity
- Common motions
 - Main motion / 2nd
 - Amend
 - Table or postpone
 - Close or limit debate
 - Nominations



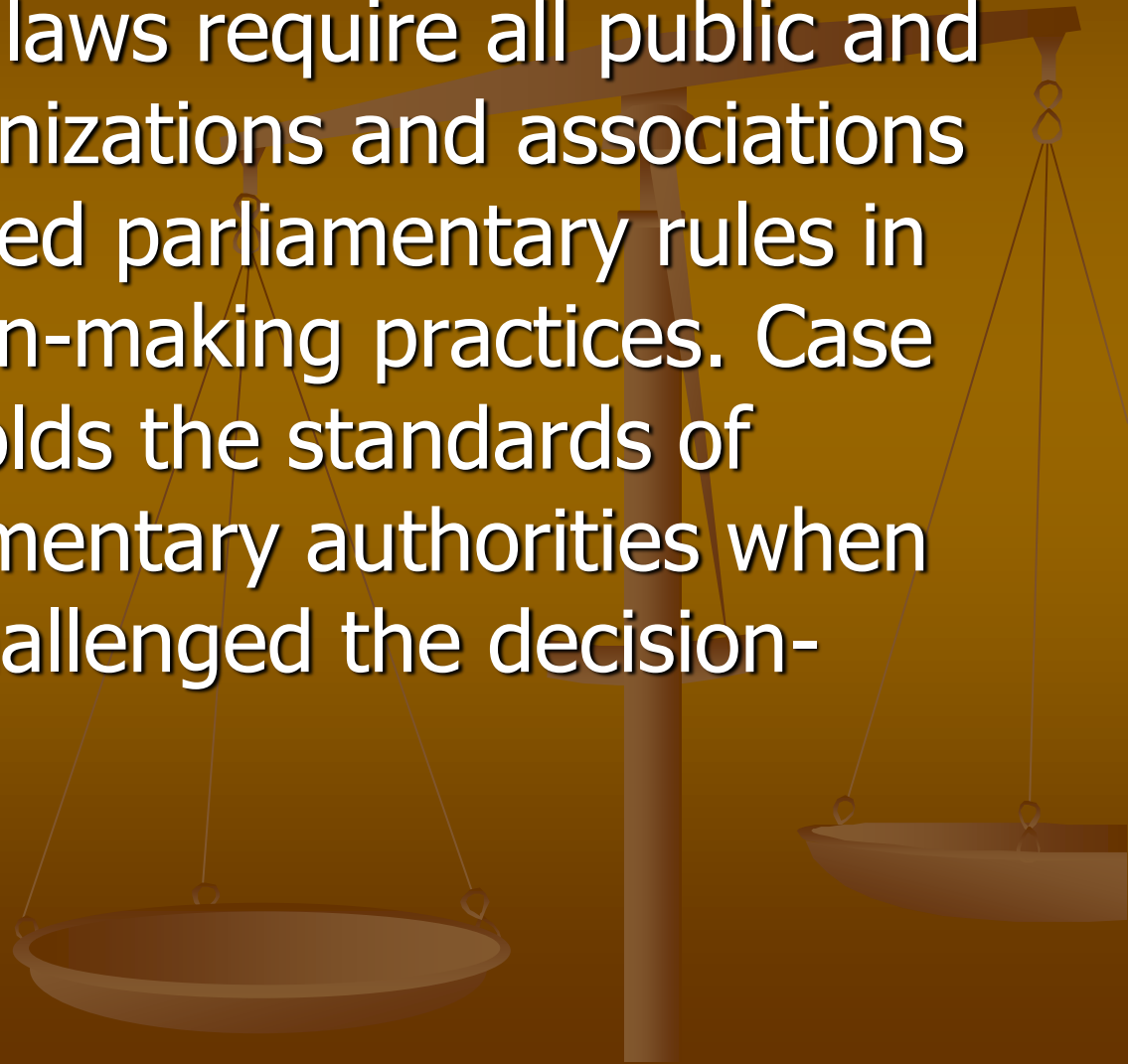
Less Common

- Limit on speeches
- Seconding motions
- Limit on amendments
- Challenge / replace Chair
- Dealing with Minutes
- Speaker recognition
- Alternate speakers

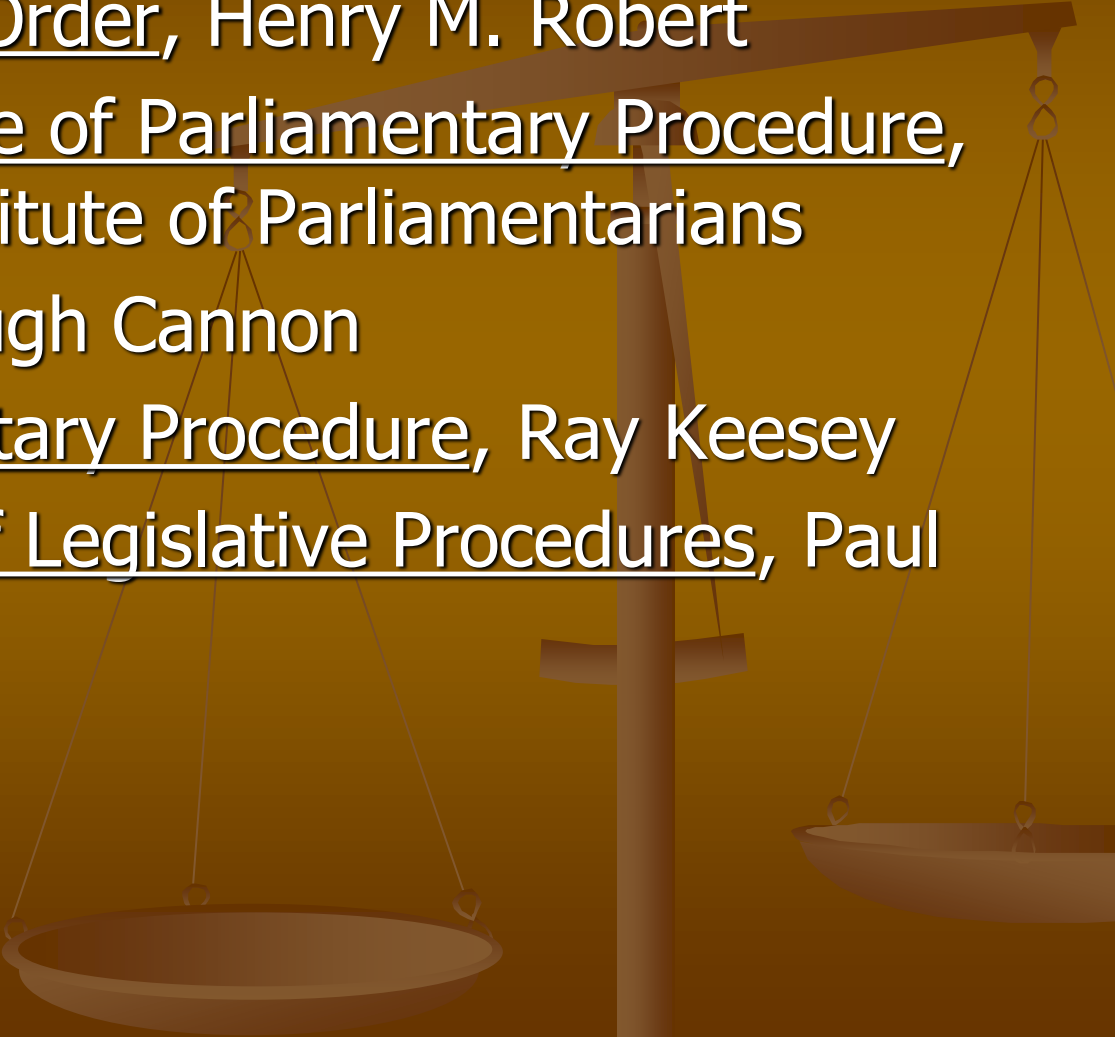


Parliamentary Law

State and federal laws require all public and most private organizations and associations to follow recognized parliamentary rules in all of their decision-making practices. Case law regularly upholds the standards of recognized parliamentary authorities when members have challenged the decision-making process.



Parliamentary Authorities

- Robert's Rules of Order, Henry M. Robert
 - The Standard Code of Parliamentary Procedure,
The American Institute of Parliamentarians
 - Rules of Order, Hugh Cannon
 - Modern Parliamentary Procedure, Ray Keeseey
 - Mason's Manual of Legislative Procedures, Paul
Mason
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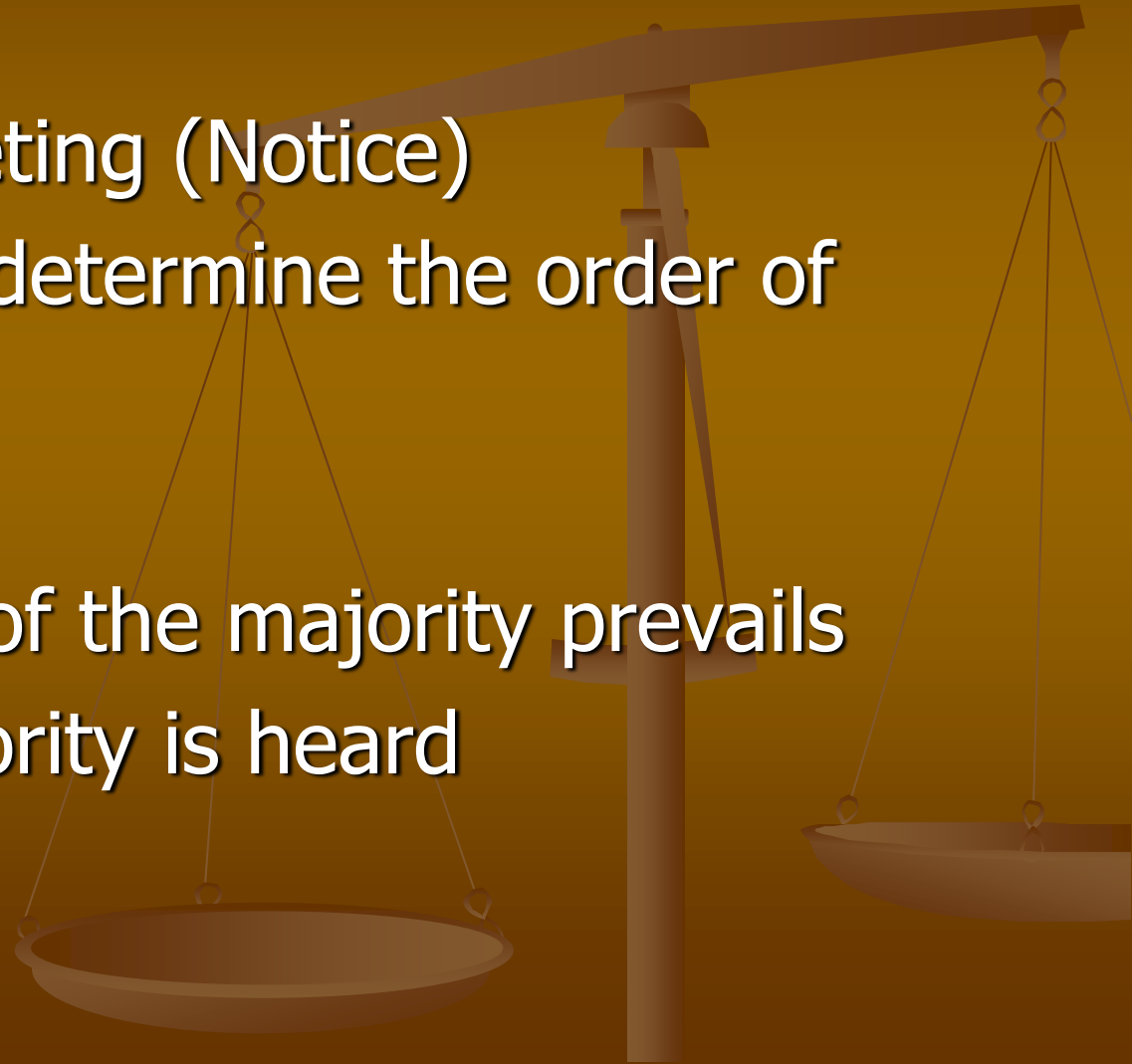
Robert's Rules of Order

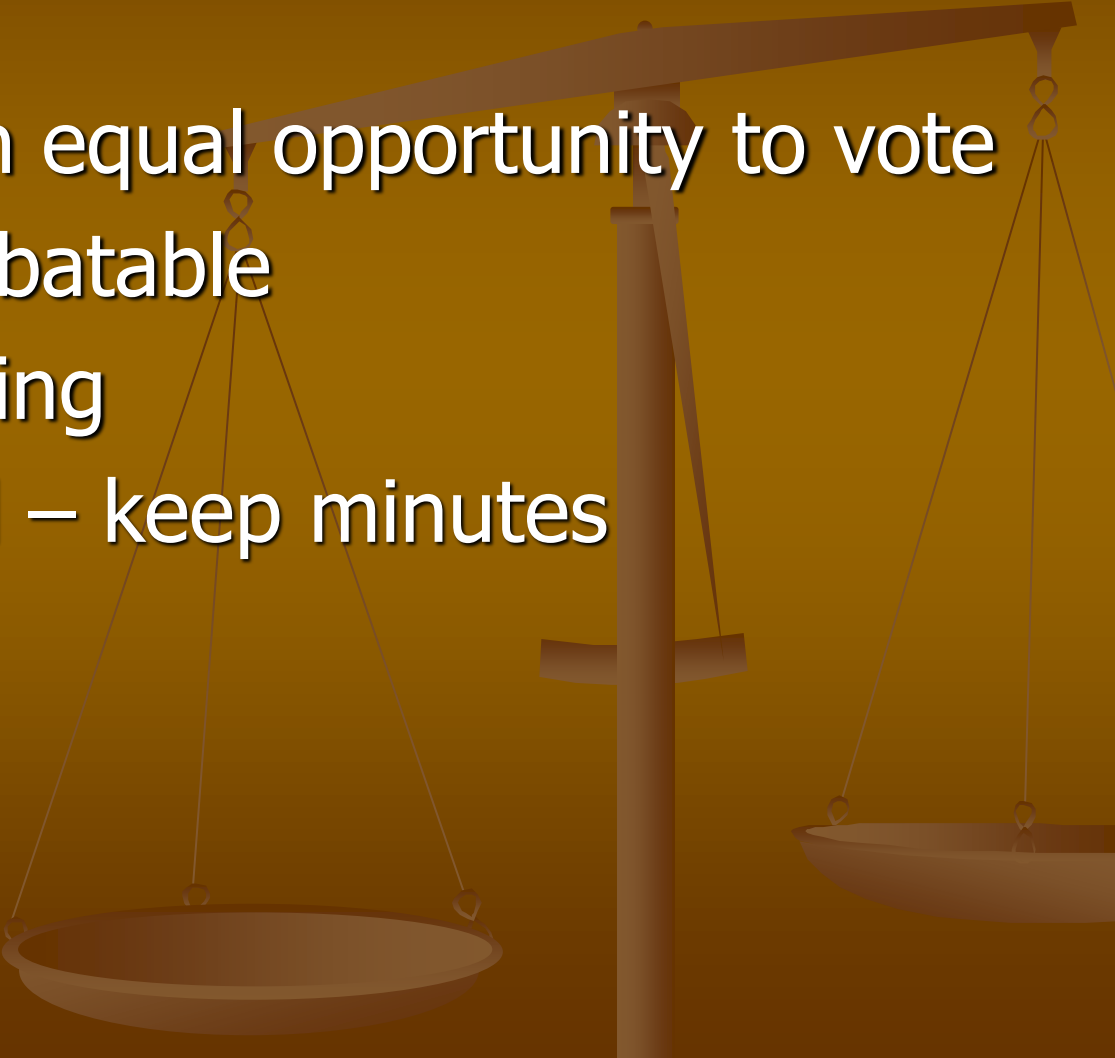
- Most common of all parliamentary authorities in the United States
 - Mandated by some state legislatures
- First published in 1876 by General Henry Martin Robert
- Now in 12th edition
- 700+ pages & 80+ rules



Common Parliamentary Law

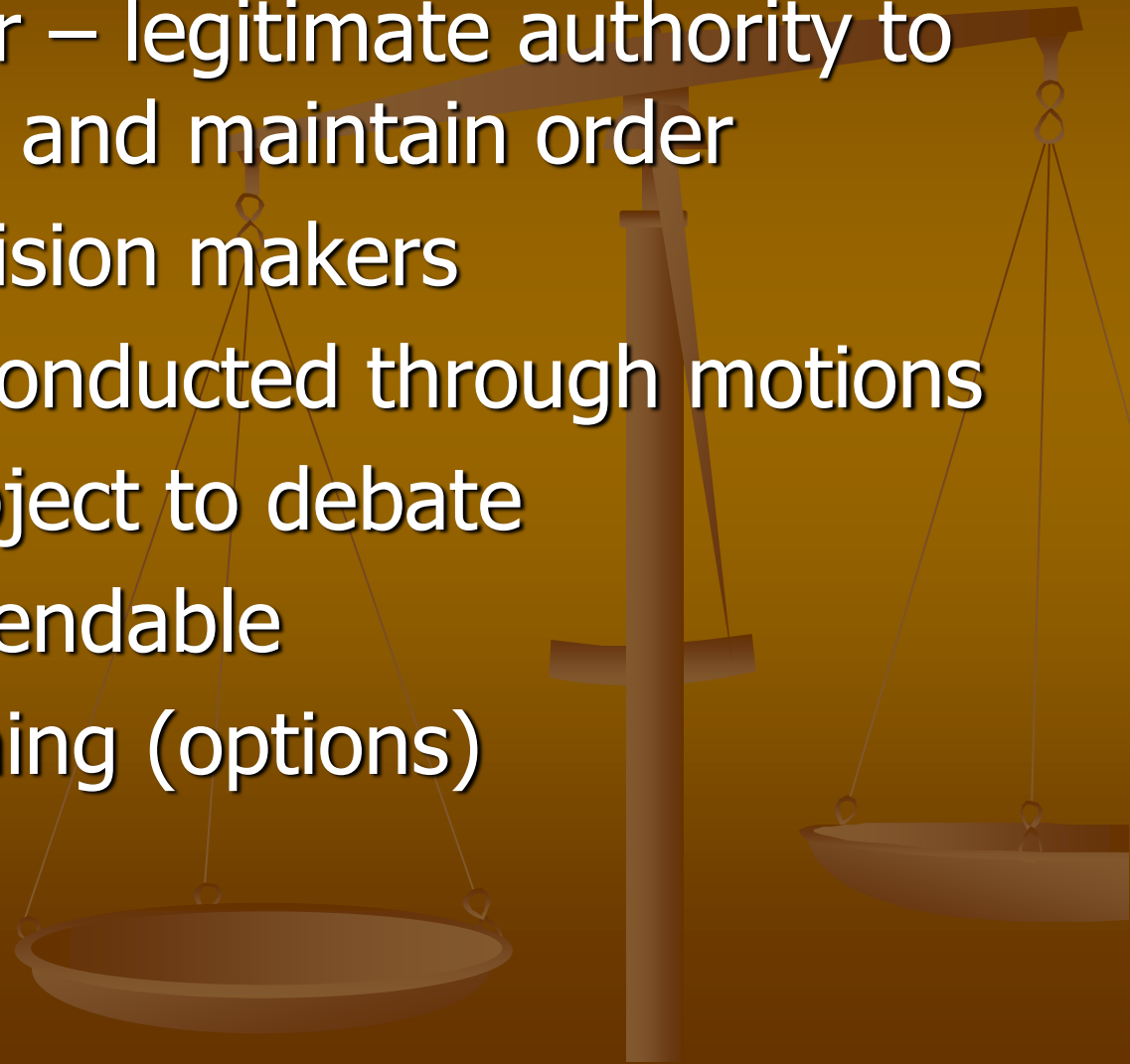
- Schedule a meeting (Notice)
- An agenda will determine the order of business
- Protect quorum
- Assure the will of the majority prevails
- Assure the minority is heard



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- Everyone has an equal opportunity to vote
 - Everything is debatable
 - Vote on everything
 - Historical record – keep minutes

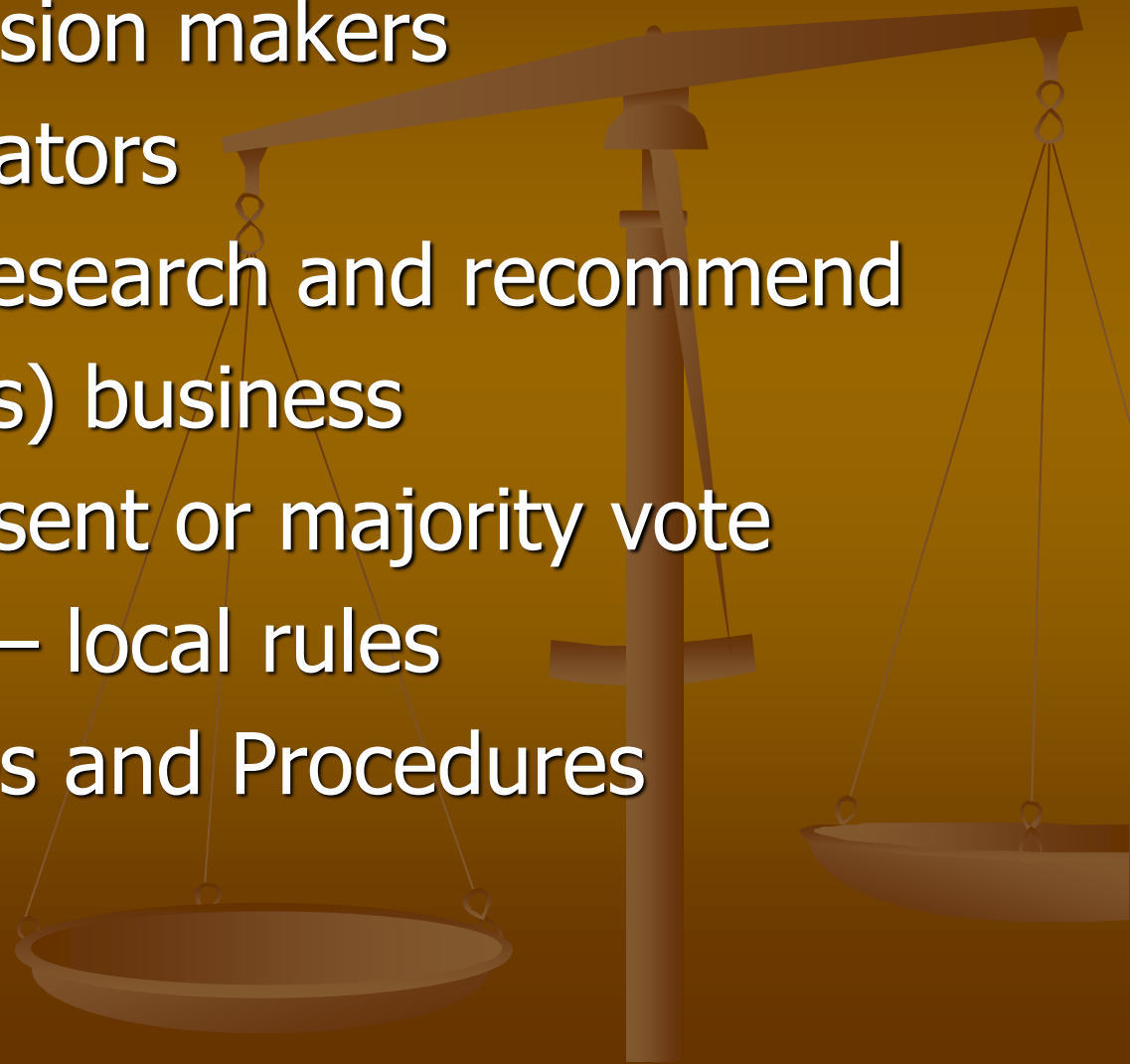
Parliamentary Rules of Order

- Presiding Officer – legitimate authority to control meeting and maintain order
- Members – Decision makers
- All business is conducted through motions
- Motions are subject to debate
- Motions are amendable
- Vote on everything (options)



KEY ELEMENTS

- Members – decision makers
- Officers – facilitators
- Committees – research and recommend
- Motions – (ideas) business
- Decisions – consent or majority vote
- Standing Rules – local rules
- Bylaws – Policies and Procedures



The Chair

- Co-Chairs and Tri Chairs
- Elected or appointed
- Permanent or temporary
- Controls the meeting
- Answers to the membership
- Assures efficiency
- All member privileges in committee



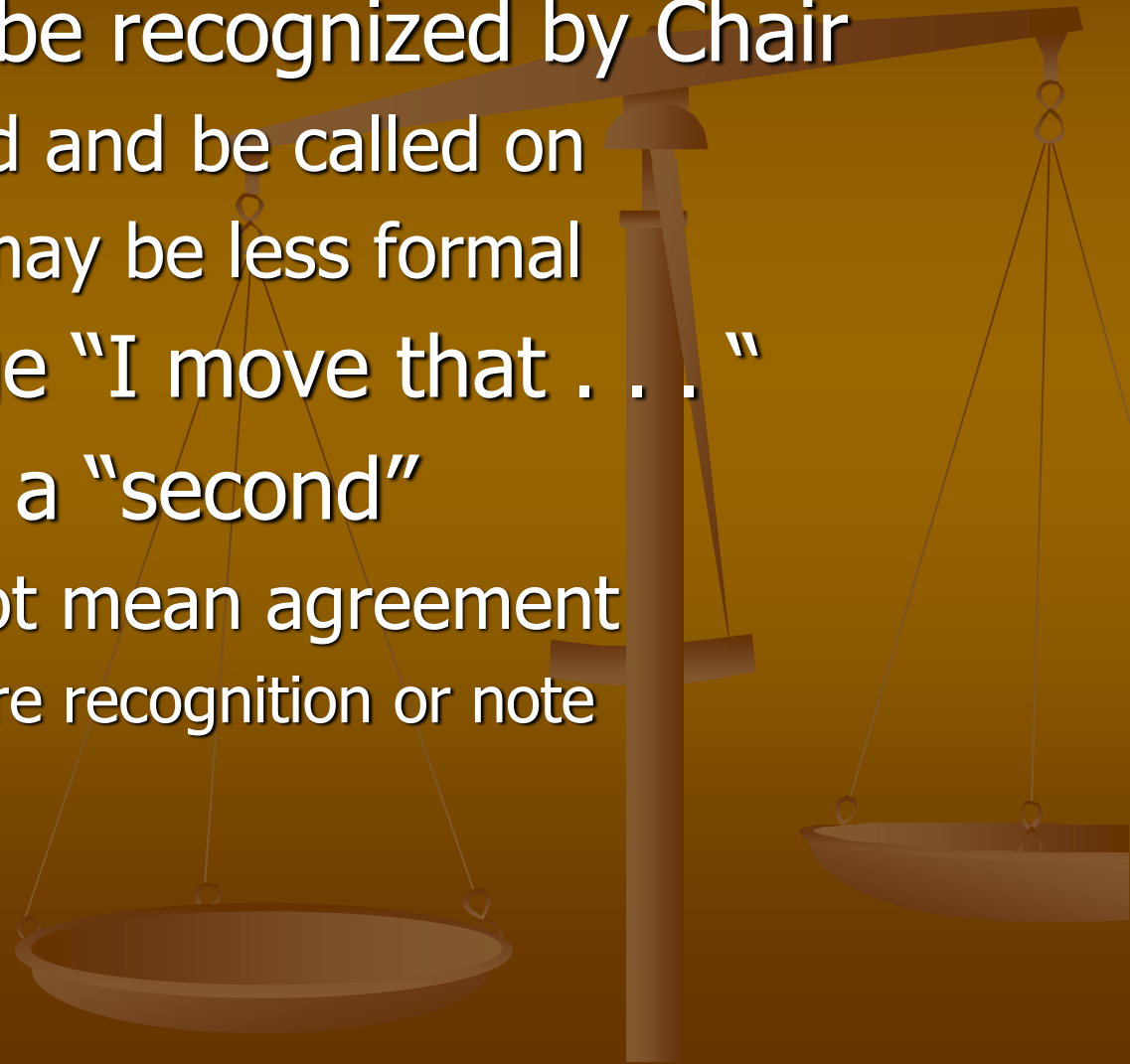
Motions



- Main motions = ideas
 - Allow the organization to conduct business
 - Spend \$, appoint, plan projects, adopt policy
- Secondary motions = facilitate business
 - Allow the organization to act efficiently
 - Refer to committee, close or extend debate, ask questions / clarification, appeal, recess, adjourn
- Motions can be amended (modified)

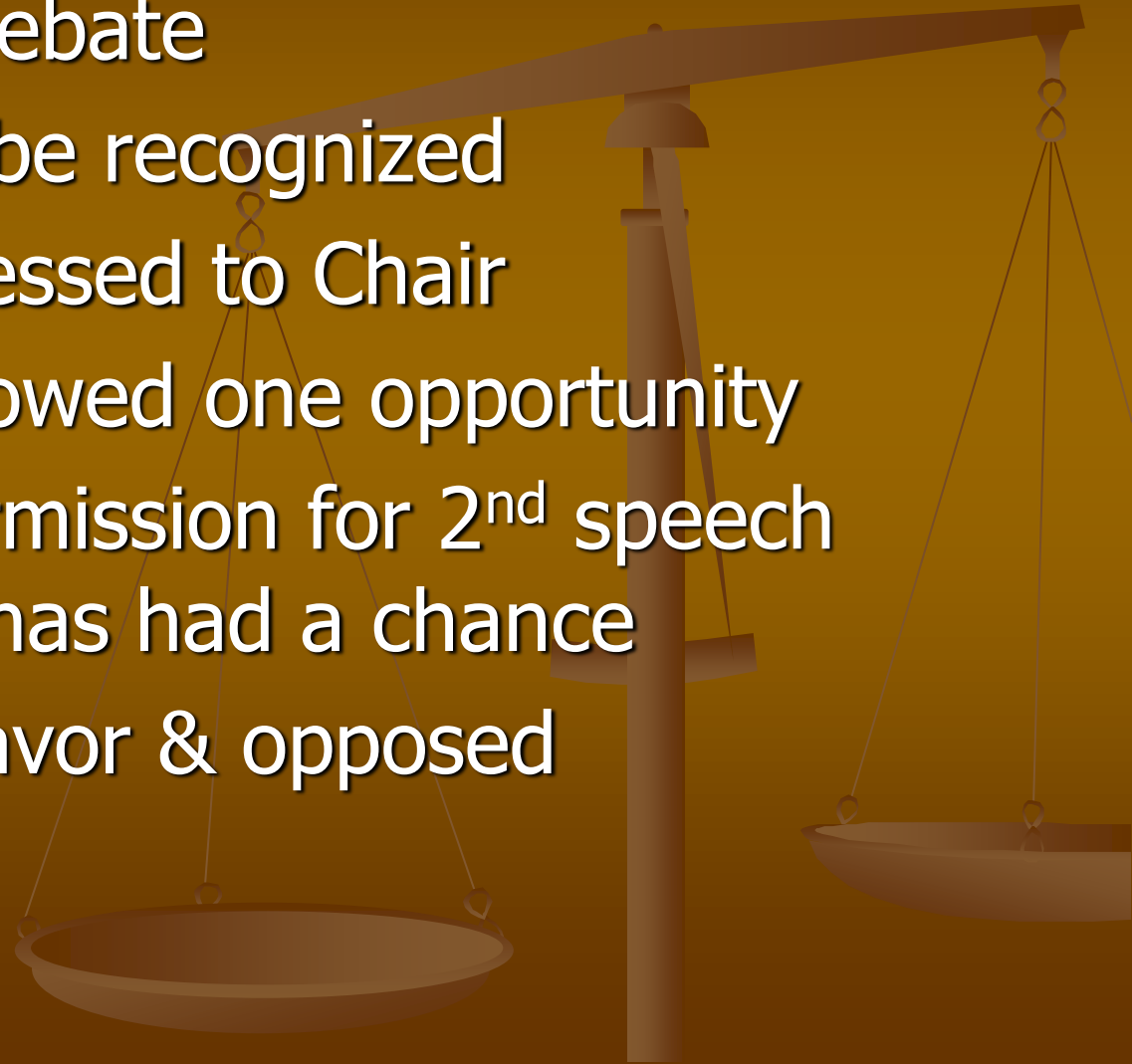
Making Motions

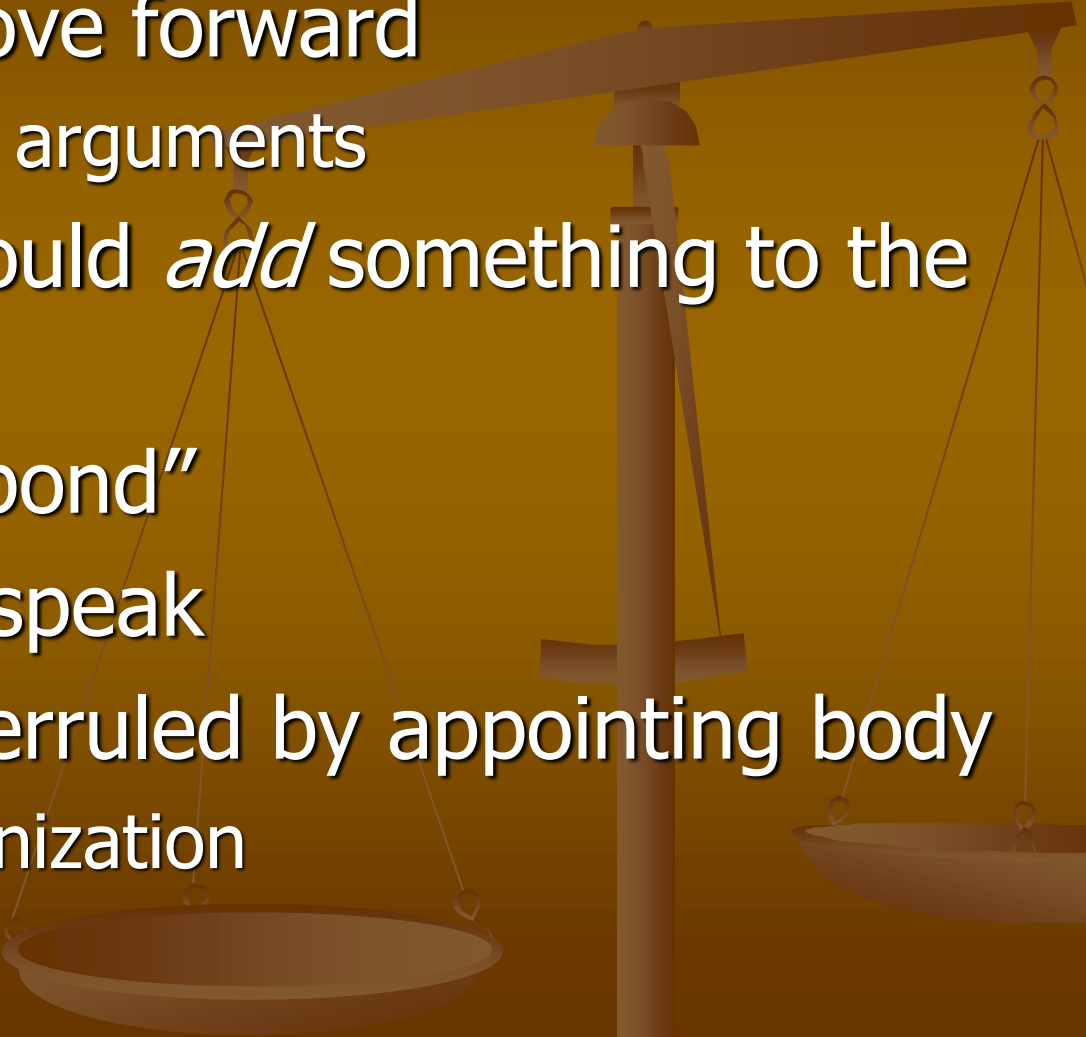
- Everyone must be recognized by Chair
 - Raise your hand and be called on
 - Local practice may be less formal
- Correct language "I move that"
- Motions require a "second"
 - Second does not mean agreement
 - Does not require recognition or note



Rules of Debate

- Chair controls debate
- Speakers must be recognized
- Questions addressed to Chair
- Each person allowed one opportunity
- May receive permission for 2nd speech after everyone has had a chance
- Alternate – in favor & opposed



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- Debate must move forward
 - Avoid repeating arguments
 - Each speech should *add* something to the argument
 - No right to “respond”
 - Limited time to speak
 - Chair can be overruled by appointing body
 - “Ordinary” organization

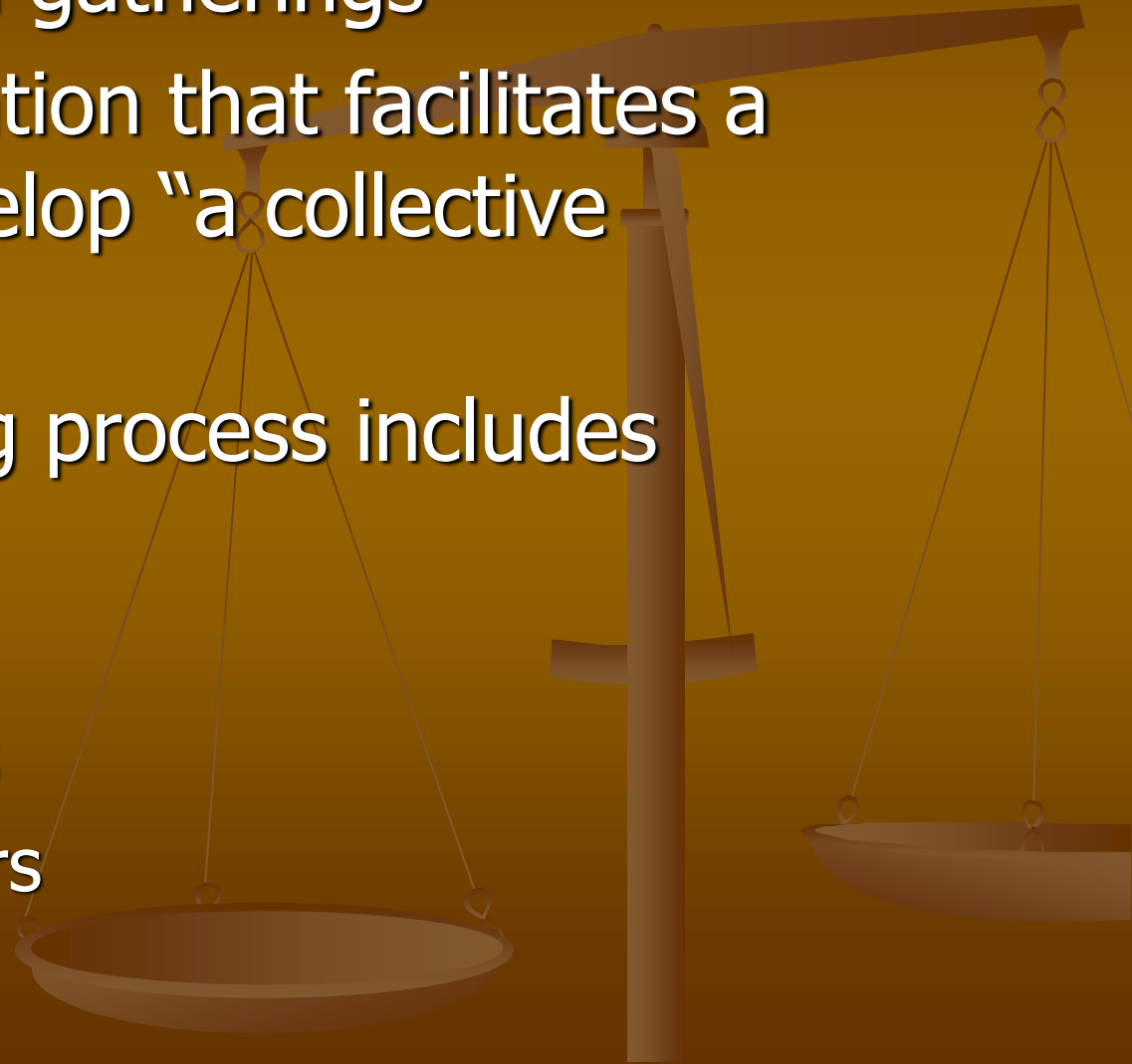
Open Meeting Laws



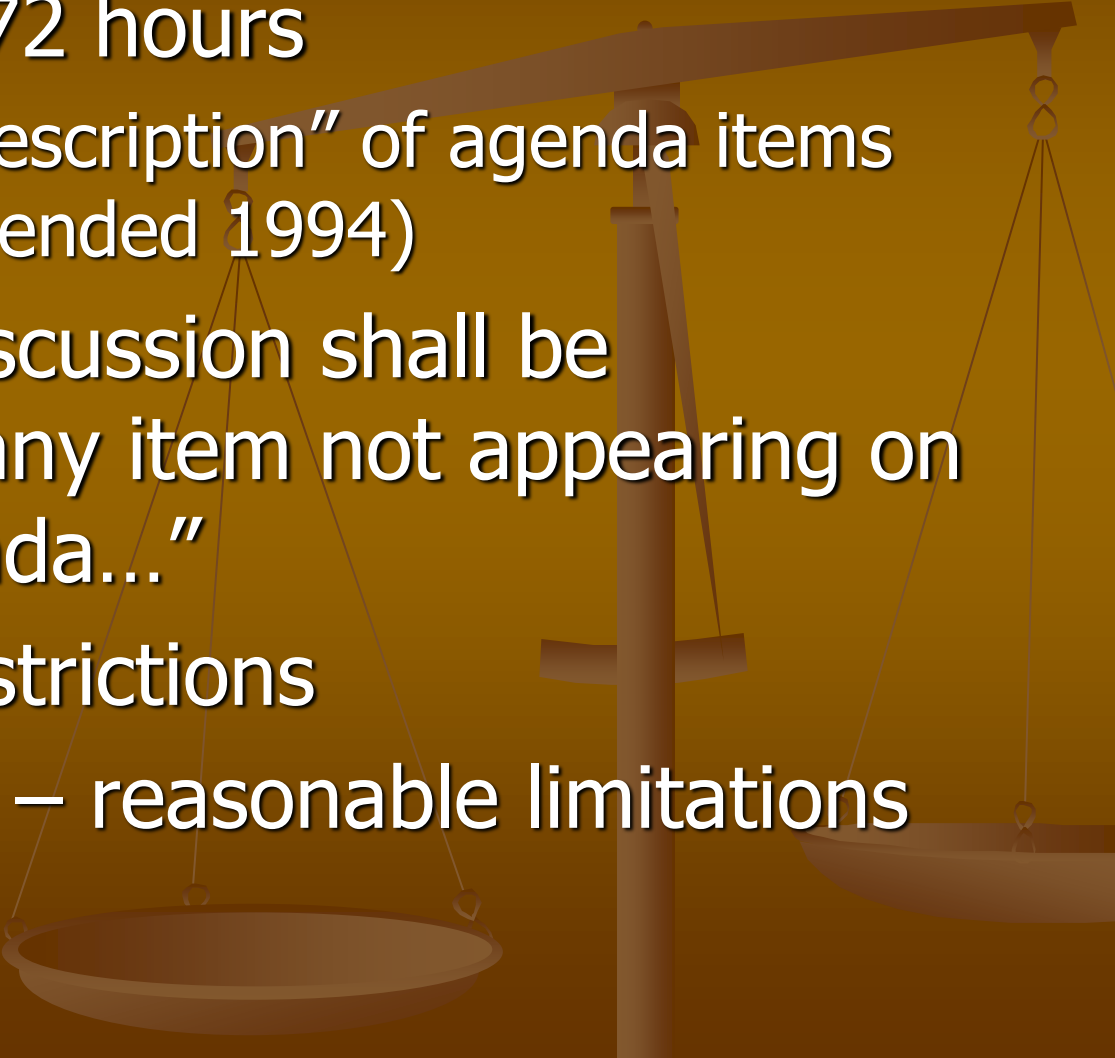
- California: The Ralph M. Brown Act
 - San Francisco Chronicle reporter investigation in 1952 – 10 part series --“Your Secret Government”
 - Ralph Brown, Assemblyman from Modesto
 - Signed into law 1953
- “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency except as otherwise provided...”

What is a meeting?

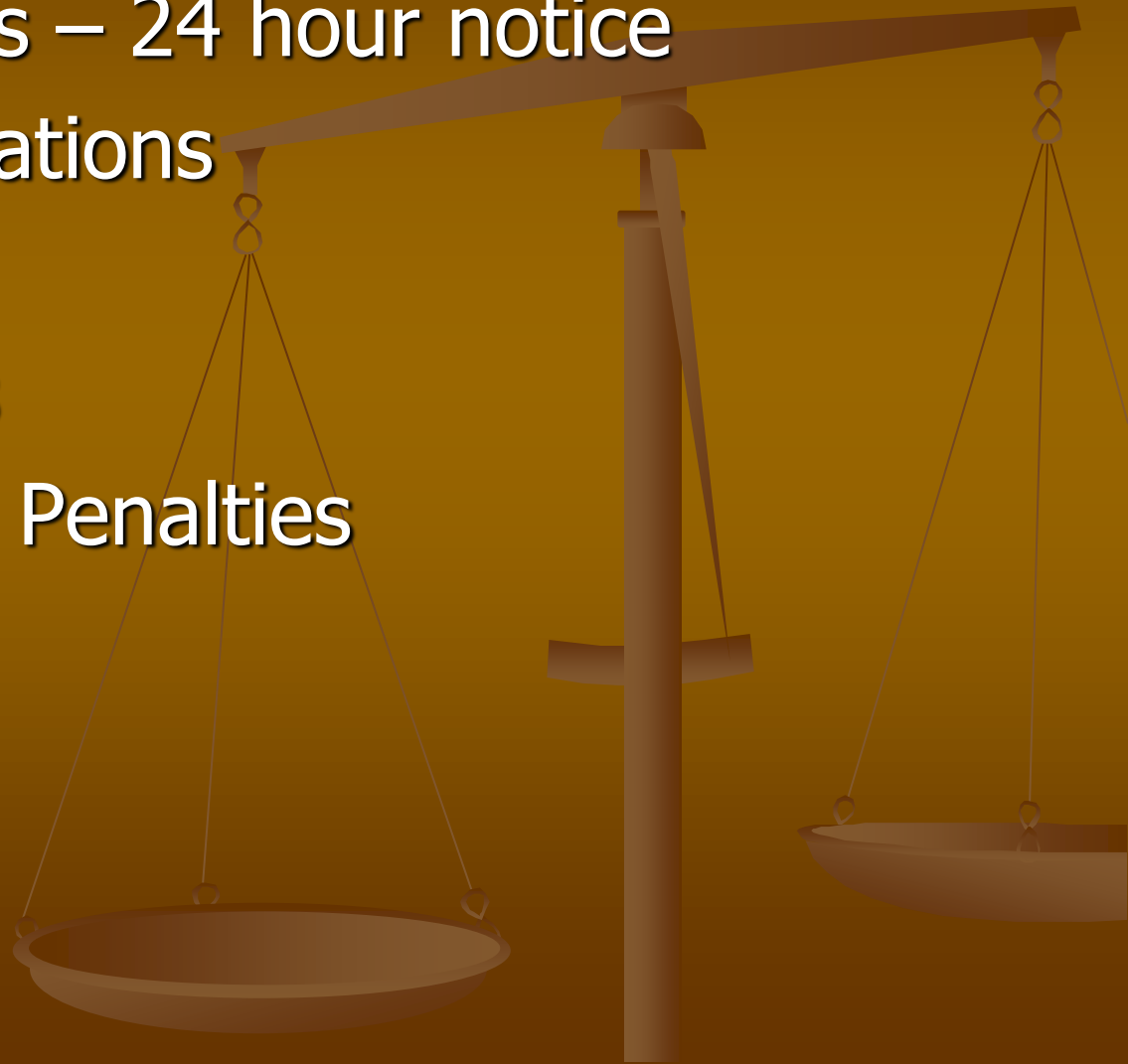
- Not just “formal gatherings”
- Any communication that facilitates a majority to develop “a collective concurrence...”
- Decision making process includes
 - Discussion
 - Debate
 - Telephone calls
 - Email and letters
 - Social media



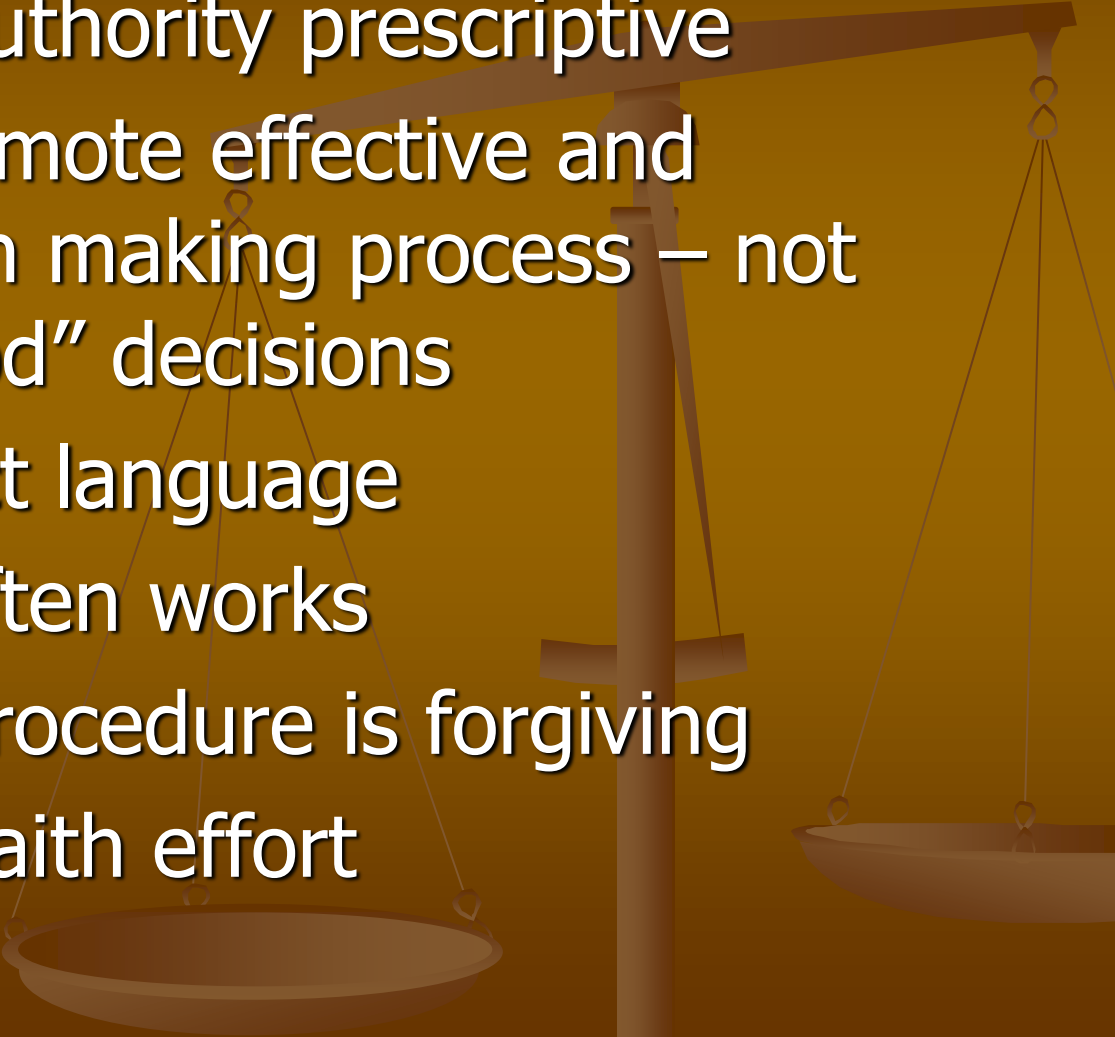
Brown Act Requirements

- Posted agenda 72 hours
 - “Brief general description” of agenda items (20 words – amended 1994)
 - “No action or discussion shall be undertaken on any item not appearing on the posted agenda...”
 - Jurisdictional restrictions
 - Public comment – reasonable limitations
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- Special Meetings – 24 hour notice
- Emergency Situations
- Urgent Matters
- Closed Sessions
- Corrections and Penalties



Letter v. Spirit

- Parliamentary authority prescriptive
 - Designed to promote effective and efficient decision making process – not necessarily “good” decisions
 - Don’t need exact language
 - Close enough often works
 - Parliamentary procedure is forgiving
 - Requires good faith effort
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THE END

