

SKILLS FOR AN EFFECTIVE ASG & CAMPUS LEADERS



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Today's Agenda



Parliamentary Procedures



Robert's Rules



Brown Act

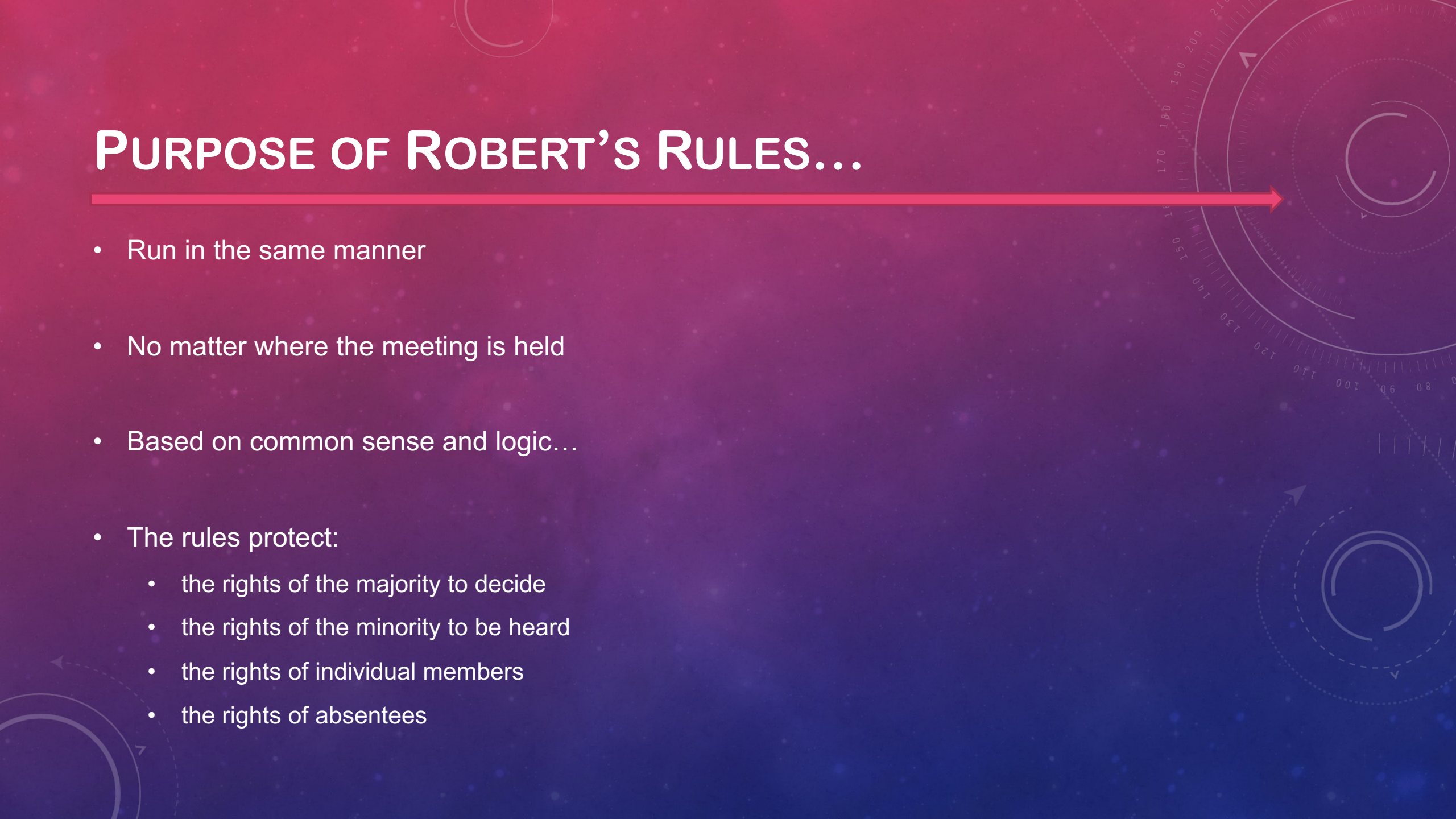


THE BASICS OF USING ROBERT'S RULES OF ORDER

Robert's Rules of Order, 11th edition Newly Revised. Published 2012, De Capo Press.
Pollack, A. & Scalice, N. Parliamentary Procedure Workshop, FAU Student Government. 2009.

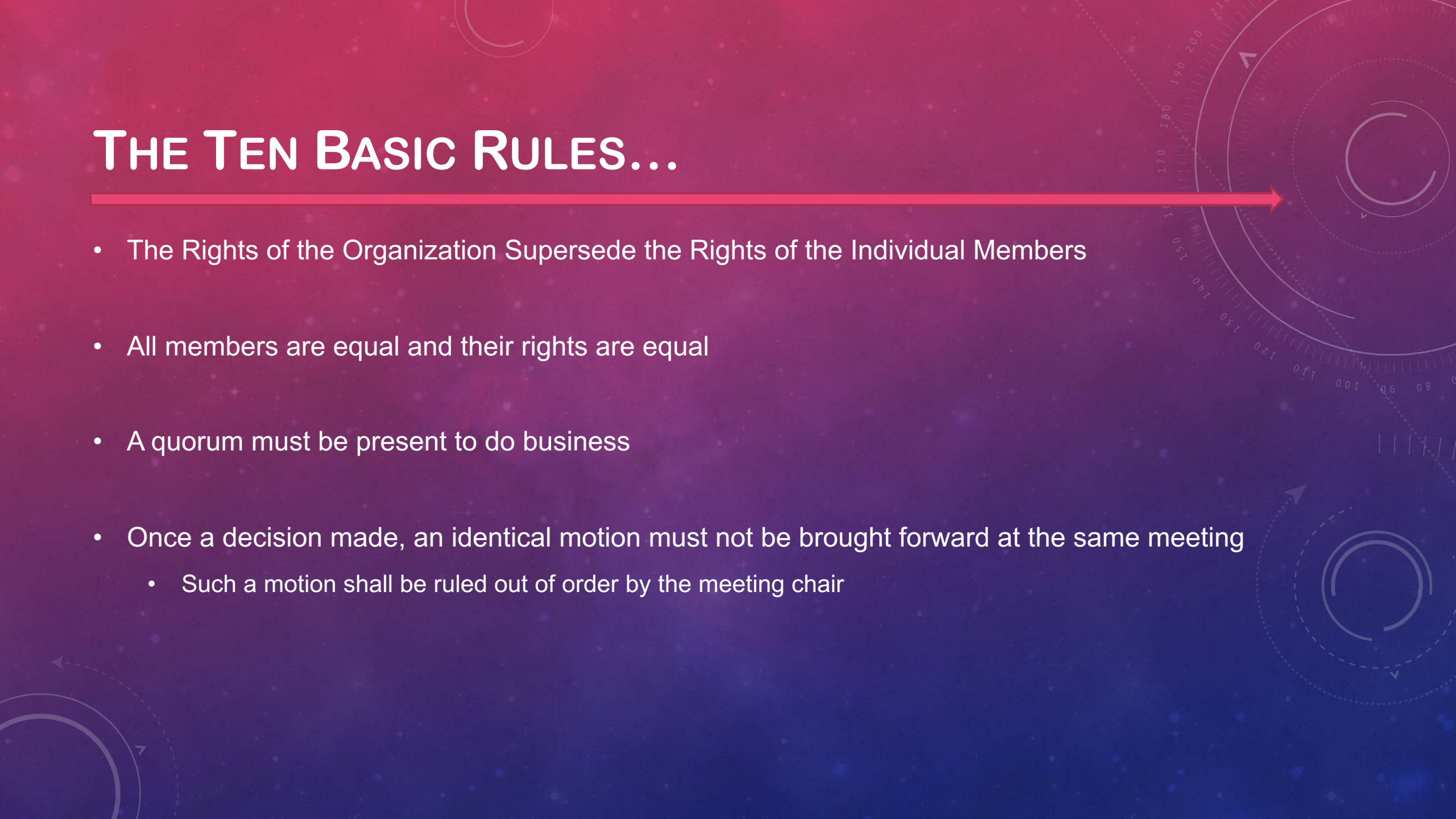
PURPOSE OF ROBERT'S RULES...



- Run in the same manner
 - No matter where the meeting is held
 - Based on common sense and logic...
 - The rules protect:
 - the rights of the majority to decide
 - the rights of the minority to be heard
 - the rights of individual members
 - the rights of absentees
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THE TEN BASIC RULES...



- The Rights of the Organization Supersede the Rights of the Individual Members
 - All members are equal and their rights are equal
 - A quorum must be present to do business
 - Once a decision made, an identical motion must not be brought forward at the same meeting
 - Such a motion shall be ruled out of order by the meeting chair
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THE TEN BASIC RULES...



- Silence means consensus
 - Those members that do NOT vote AGREE to go along with the decision of the majority by their silence.
- Two-thirds vote rule
 - A 2/3rds vote is necessary whenever limiting or taking away the rights of members or changing a previous decision.
- The majority rules
 - All questions at any legally convened meeting shall be decided by simple majority of the votes cast, unless stipulated otherwise in the Constitution.


THE TEN BASIC RULES...



- Once a member has been ‘recognized’ this individual has been granted ‘the floor’ and may not be interrupted by another member
 - Motions must receive full debate
- The meeting chair may not put a motion to vote as long as members wish to debate it
 - The debate can only be cut short by a 2/3rds vote
- One question at a time and one speaker at a time.
 - “Motions must be related to matters under consideration”


BONUS RULE...



- Personal remarks in a debate are ALWAYS out of order
 - Debate Motions not Motives
 - Debate must be directed to Principles and not Personalities
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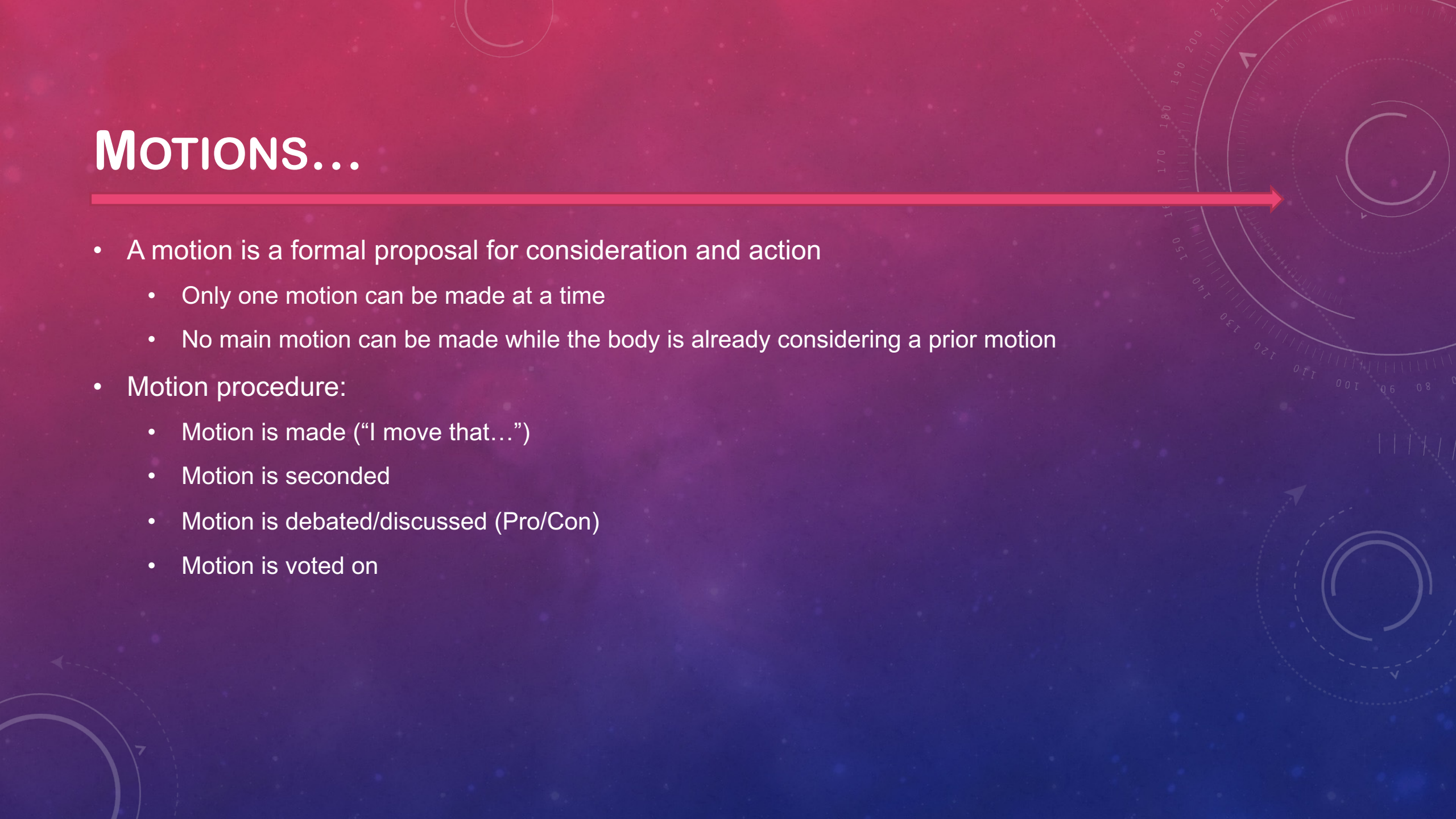
RUNNING A MEETING EFFECTIVELY




- Chair Characteristics
 - In control of the floor
 - Impartial
 - Composed and organized
 - Precise: restates motions before votes
 - Focused: stays on track with discussions
 - Temperate: uses the gavel sparingly
 - On time and stay on time
 - Be prepared: Knows the rules and our bylaws
 - A Parliamentarian: keeps the group working together
- 

MOTIONS...



- A motion is a formal proposal for consideration and action
 - Only one motion can be made at a time
 - No main motion can be made while the body is already considering a prior motion
 - Motion procedure:
 - Motion is made (“I move that...”)
 - Motion is seconded
 - Motion is debated/discussed (Pro/Con)
 - Motion is voted on
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THE VOTE = THE VOICE



Responses

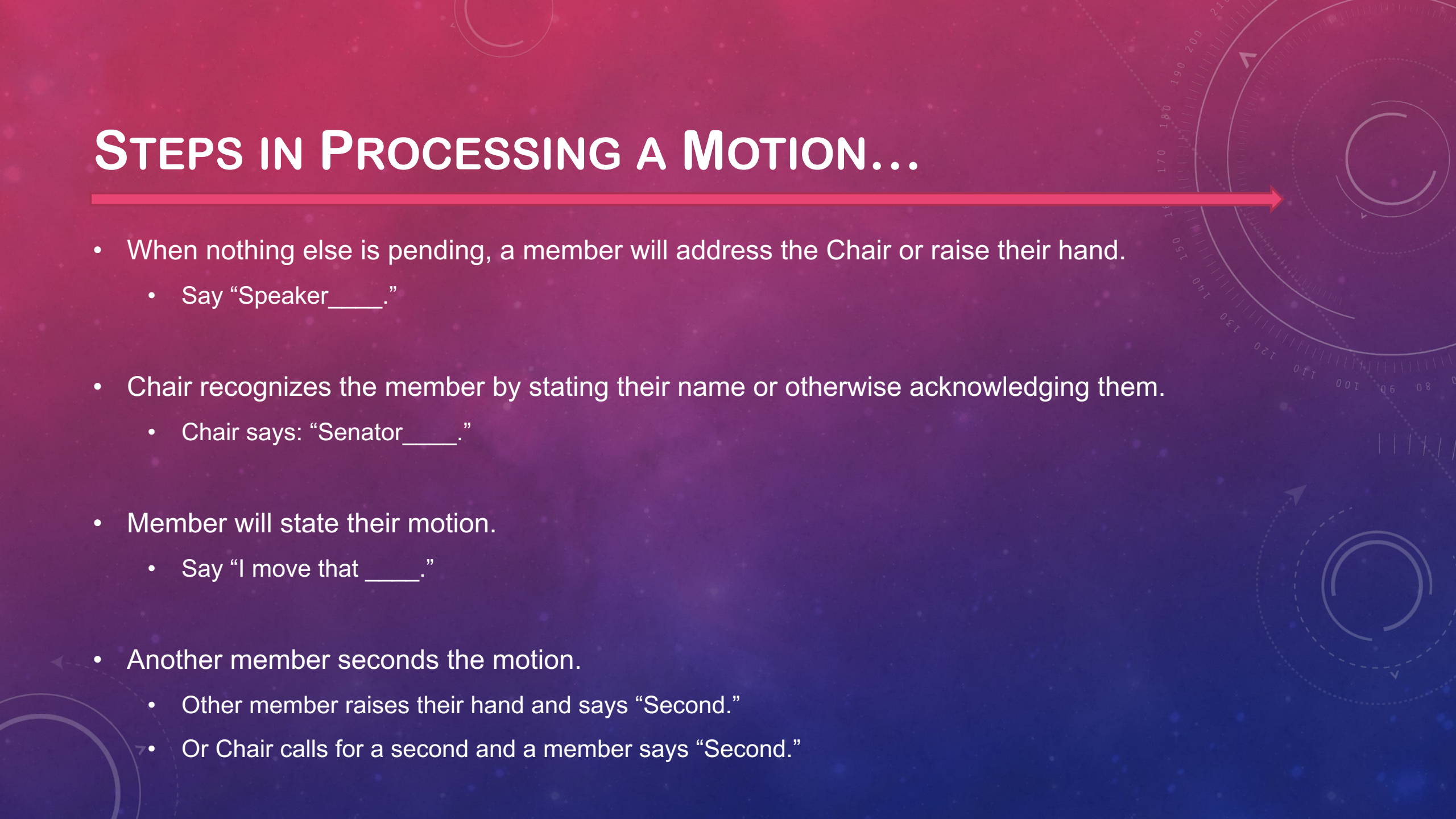
- In Favor: You approve of adoption of the question
- Not in Favor: You disapprove of the adoption of the question.
- Abstention: You withdraw from the vote.
 - Abstention is only in order if there is a distinct conflict of interest, or if the member is not well enough informed (through prior absence or some other extenuating circumstance) to make an educated decision.

Types

- Vocal Vote
 - Ayes or Nays. If the majority is unclear, a hand vote is necessary.
- Hand Vote
 - The extension of the hand to indicate approval/disapproval.
- Roll Call Vote
 - The Secretary proceeds through the roll call list and records each member's vote individually.
- Unanimous Consent
 - An automatic approval of a question, pending no objections.
 - If even one member objects, the chair must state the question and proceed through normal voting processes.

STEPS IN PROCESSING A MOTION...



- When nothing else is pending, a member will address the Chair or raise their hand.
 - Say “Speaker_____.”
 - Chair recognizes the member by stating their name or otherwise acknowledging them.
 - Chair says: “Senator_____.”
 - Member will state their motion.
 - Say “I move that _____.”
 - Another member seconds the motion.
 - Other member raises their hand and says “Second.”
 - Or Chair calls for a second and a member says “Second.”
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STEPS IN PROCESSING A MOTION...



- Chair will re-state the motion and open for discussion.
 - Chair says: “It is moved that ____.”
 - “Is there any discussion?”
- Members now have the right to be recognized and debate the motion. During discussion, subsidiary motions (amend, refer, etc..) may be introduced.
- The Chair will now re-state the question put the question to a vote.
 - “Seeing no more debate, the debate has ended. We will now vote on ____.”
 - “All in favor say ‘Aye’, all opposed say ‘Nay’ any abstentions?”
- The Chair will announce the results and transition to the next order of business.
 - “The motion is carried [lost]; We will [Will not]...”
 - “The next order of business is...”

FREQUENTLY USED MOTIONS...



- Amend
 - Used to insert or strike out words.
 - Clarifies or improves the original motion.
 - Must be germane to the original motion.
- Call for the Orders of the Day
 - Demands a return to the order of business.
- Commit or Refer
 - Refers a question to committee.
- Lay on the Table
 - Temporarily suspends further action on a question.
- Limit/Extend Debate
 - Modifies rules of debate to allow for more/less time.
- Postpone Indefinitely
 - Rejects a main motion without bringing it to a vote.
 - Allows bodies to reject motions without taking an official position.

FREQUENTLY USED MOTIONS...

- Reconsider

- Can re-open debate on a closed question.
- Motion can only be made in the same meeting by a member of the prevailing side who has changed their mind.
- Can also be used to reconsider a question if it is discovered an illegal action has been taken.

- Suspension

- Allows the lawful violation of certain rules.
- Must be clearly specified.

- Parliamentary Inquiry

- A question to the chair, to clarify some aspect of parliamentary rules or procedure.

- Point of Information

- A question pertaining to the matter at hand.
- Directed to the chair, or to another member through the chair.

KEEPING MINUTES...



- The written record
- Permanent and legal record
- Written as concisely as possible
- Approved Minutes within 30 days
- Review prior minutes at each meeting
- Allow for corrections
- Reminder of previous decisions and discussions

The background features a dark blue gradient with white technical diagrams, including circular gauges with numerical scales (40, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260) and various circular patterns with arrows. A prominent red arrow points horizontally across the middle of the slide.

THE LOOKING GLASS: EYES OF TRANSPARENCY

Government Code sections 54950-54963, referred to as the “Brown Act”

TRANSPARENCY LAWS: THE BIG PICTURE



- Fundamentally, what public officials do is transact the public's business.
- As elected representatives to the ASG, responsible for representing all students before the Board of Trustees, you are considered "public officials."
- Conducting oneself and transacting the public's business in a transparent fashion gives the public an opportunity to monitor and participate in the ASG's decisions and is required by law.

PURPOSE AND PRINCIPLE



- “In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”
- “The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”
- “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 in this chapter.”

3 KEY COMPONENTS



- All meetings shall be open and public.
- The public shall know ahead of time when and where you plan to meet and what you intend to discuss.
- All persons shall be permitted to attend and testify at the meeting.

MEETINGS



- A meeting is a gathering of a majority of members to hear or discuss any item of ASG business or potential business (very broad). A meeting can simply be the exchange of information.
- The ASG CANNOT meet to discuss ASG business outside of a meeting that the public has not received proper notice about. Generally, ASG members cannot meet for coffee or lunch to discuss ASG business outside of a meeting.
- There are a few exceptions where a majority can get together without violating the Brown Act, e.g., attending a conference that is open to the public, social or other event – but don't talk shop.

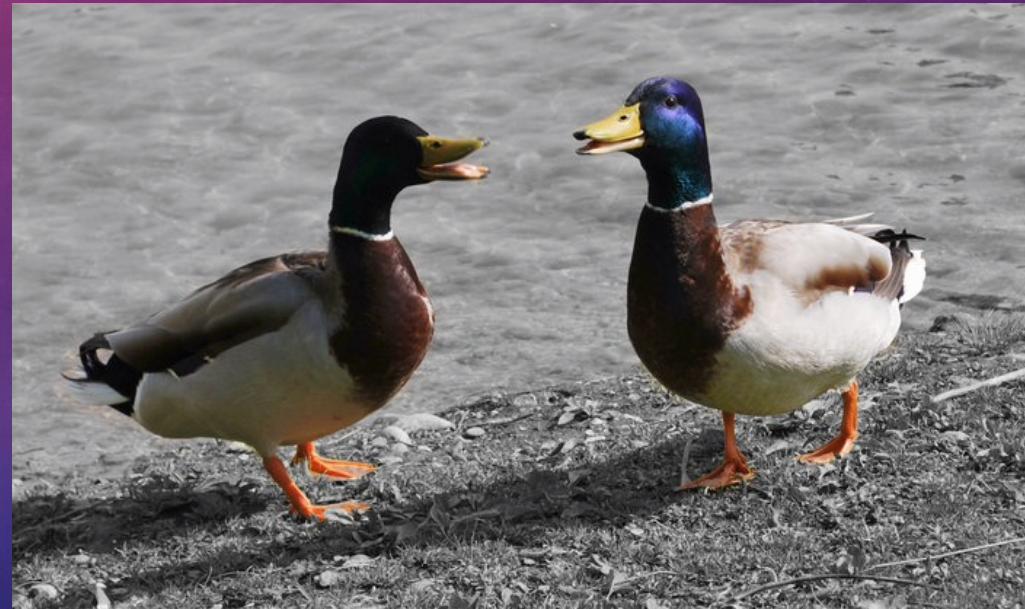
ACTION TAKEN...



- “Action taken” means:
 - A collective decision made by a majority of the members of a legislative body,
 - A collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or
 - An actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

DISCUSSING OUTSIDE OF A MEETING...

- “A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”
- If it –
 - Sounds like a Duck,
 - Walks like a Duck,
 - Looks like a Duck,
 - Smells like a Duck
- Then it's a...



SOCIALIZING...

- The Bottom Line: You must avoid talking about ASG business while you are at an event (social, conference etc...).
- The only time a majority can discuss ASG business outside a meeting is if the business is part of the other organization's agenda and the agenda has been properly posted.
- For example, if the Board of Trustees requests that the ASG attend their meeting to discuss ASG business and the BOT had properly posted notice of the meeting.



NOT A MEETING...



- Individual contacts or conversations
- The attendance of a majority of the members at a conference or similar gathering open to the public
- The attendance of a majority of the members at an open and publicized meeting organized to address a topic of local community concern
- The attendance of a majority of the members at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency
- The attendance of a majority of the members at a purely social or ceremonial occasion
- The attendance of a majority of the members at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

TELECONFERENCING...



- “Teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”
- Each location shall be identified in the notice and agenda of the meeting;
- Each teleconference location shall be accessible to the public;
- The agenda shall provide an opportunity for members of the public to address the legislative body directly;
- Agendas must be posted at all teleconference locations; and
- Teleconference meetings must be conducted in a manner that protects the statutory and constitutional rights of the parties or the public.

MEETINGS WITHIN BOUNDARIES EXCEPT...

- Comply with state or federal law or court order, or attend a judicial or administrative proceeding;
- Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction;
- Meet outside their immediate jurisdiction with elected or appointed officials;
- Visit the office of the local agency's legal counsel for a closed session on pending litigation;
- Attend a conference on nonadversarial collective bargaining techniques
- Interview members of the public residing in another district
- Interview a potential employee from another district
- Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies
- If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated

COVID19 EXCEPTIONS...

From Governor Newsom's Order 11 with new provisions modifying the Brown Acts in order to improve the ability of local legislative bodies to respond and conduct business:

Suspended until further notice that:

- Each teleconference member location be stated
- Each teleconference location be available to the public
- The public may address the body at each teleconference location
- Agendas be posted at all teleconference locations
- At least one member be physically present at each the location
- That during teleconference meetings, at least a quorum of the members of the local body participate from locations within the territory boundaries

Provided Conditions:

- Must give advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act
- Must notice at least one publicly-accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access (including the ADA)

TYPES OF MEETINGS...



- There are 3 types of meetings:
 - Regular
 - Regularly scheduled council meetings.
 - The ASG must formally set the time and place for their regular meetings in their bylaws, by resolution or some similar formal rule.
 - Special
 - Meetings called by the agreement of a majority of the council to discuss a specific issue.
 - Emergency
 - Not applicable to ASG.

NOTICE OF REGULAR MEETINGS



- Posting requirements – Agendas must be posted at least 72 hours before the regular meeting in a location freely accessible to the public.
- Content requirements – The agenda should contain a brief general description of each item of business to be transacted or discussed at the meeting.
- Agendas must have enough information to enable members of the general public to determine the general nature of subject matter of each agenda item to be discussed. (Need not exceed 20 words.)
- Agendas must allow for general public comment.
- ASG cannot discuss or take action or deliberate on any item that is not on the agenda.

SPECIAL MEETINGS

- A special meeting may only be called by:
 - The President of the ASO, or
 - A majority of the voting Officers in writing;
- Written notice must be delivered at least 24 hours before the time of the special meeting to:
 - Each Voting member, and
 - Local newspapers or radio and television stations, if requested by them;
- The agenda of a special meeting must be posted at least 24 hours in advance, and:
 - List the time and place of the special meeting, and
 - The business to be transacted or discussed.

EMERGENCY MEETINGS

- Emergency meetings may be called on less than 24 hours notice when, as determined by a majority of the ASG, there is an:
 - An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body; or
 - A dire emergency, which shall be defined as a crippling disaster, mass destruction, ... may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body



IT IS A PUBLIC RECORD...



- Documents and information are public records Documents in any format can be public records:
- “Writing” includes “handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile and every other means of recording upon any tangible thing any form or communication or representation.”
- The definitions of “public record” and “writing” in the PRA are “intended to cover every conceivable kind of record that is involved in the governmental process and will pertain to any new form of record-keeping instrument as it is developed.” (Braun v. Taft, (1984) 154 Cal.App.3d 332, 340.)
- Public records are created/stored in many formats other than paper, including:
 - E-mail & text messages
 - Electronic calendars
 - Voice mail
 - Digital photographs
- The content of a document, not its format, determines whether it is a public record and whether it must be disclosed.

DWYSYWD

Does this sound familiar?



Do What You Say You Will Do!

THE END AND ANY QUESTIONS?

