

Rosenberg's Rules of Order



Rosenberg's Rules

- Procedures to guide the decision making process for decision-making bodies. The Rules are guided by the following four principles:
 - Rules should establish order
 - Rules should be clear
 - Rules should be user-friendly
 - Rules should enforce the will of the majority while protecting the rights of the minority.

Quorum

- ❑ More than half the body; quorum required for the body to conduct business
 - ❑ Must be present for entire item
- ❑ The body can lose a quorum during the meeting if a member departs or leaves the dais



Standard Procedure

- 1. Item Called**
- 2. Staff Report**
- 3. Applicant Presentation**
- 4. Questions**
 - Members of the CHB may ask clarifying questions of staff or applicant
- 5. Public Comment**
 - Time limits may be applied

Standard Procedure

(continued)

6. Motion

- Approve, deny or continue

7. Second

- Another Board member “seconds” the motion;

8. Chair summarizes

8. Discussion

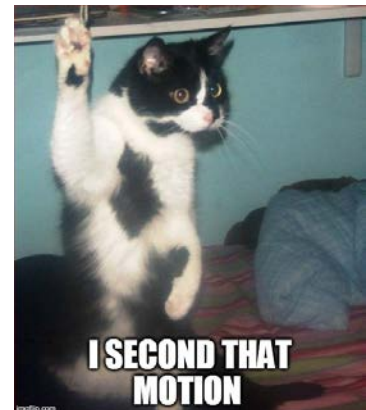
9. Vote

10. Announcement.

- The chair or secretary announces the result of the vote

Motions

- ❑ **Basic Motion:** "I move we" (majority vote)
- ❑ **Motion to Amend:** "I move we amend the motion..."
- ❑ **Motion to Substitute:** "I move a substitute motion..." This eliminates the basic motion and puts a new motion before the body (majority vote).
- ❑ **Motion to Continue:** "I move we continue this item".
This stops debate and sets a time for the body to hear the item at a later date or time.
 - Date certain – no additional noticing
 - Date uncertain – requires additional noticing



Friendly Amendment

- ❑ Alternative to motions to amend or substitute.
"I suggest a friendly amendment"
- ❑ If the maker of the original motion and the person that seconded the original motion agree, the new amended motion becomes the pending motion on the floor.
- ❑ If either the maker or the person who seconded rejects the friendly amendment, the original motion remains. The proposer can then formally move to amend.

Withdraw a Motion

- ❑ Maker of the motion may at any time interrupt a speaker and withdraw his/her motion.
- ❑ The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he/she wishes to make the motion and any other member may also make the motion. (no vote)

WITHDRAWN

Multiple Motions (up to 3 at one time)

- ❑ The vote should proceed first on the last motion that is made.
- ❑ If the third or second motion passes, the remaining motions are moot.



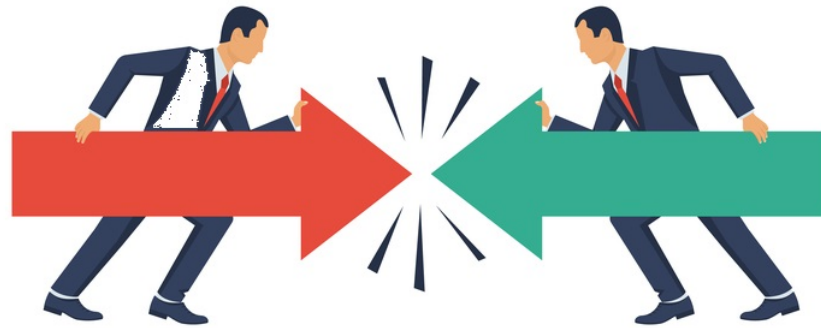
Voting

- ❑ City ordinance requires a majority of the entire body
 - ❑ If one member is absent, recuses or abstains, and the vote is tied 3-3, the motion fails.
 - ❑ Simple majority vote.
 - ❑ Roll call vote.
 - ❑ Voting options: yes, no, recuse, and abstain.
 - ❑ Recuse vs Abstain
 - ❑ Recusal: mandatory for direct economic interest (must declare before action item is discussed)
 - ❑ Abstention: voluntary for non-financial interest, appearance of impropriety (must declare as soon as it becomes apparent)



any
questions?

Conflicts of Interest



Conflict of interest

Conflict of interest?

- ❑ Political Reform Act
 - Passed by voters in 1974 (Proposition 9)
 - Created Fair Political Practices Commission (FPPC)
 - Regulations govern financial conflicts
- ❑ Government Code 1090
 - Contractual conflicts of interest
- ❑ Common Law Conflict
 - Personal Interest/Bias
 - Appearance of impropriety

Political Reform Act

- ❑ You have a conflict of interest if it is foreseeable that the outcome of the decision will have a material impact on your financial interests
- ❑ Limited exceptions: the “public generally exception” and the “legally required to participate exception”

Do I have a financial conflict of interest?

- ❑ The FPPC regulations apply only to financial conflicts of interest.
- ❑ Whether you have a conflict of interest that disqualifies you depends on the facts of each governmental decision and your financial interest.
- ❑ The most important proactive step you can take to avoid conflict of interest problems is learning to recognize the economic interests from which conflicts of interest can arise.

You may have a Financial Interest in a Decision if you:

- ❑ Income. Receive \$500 or more from an individual or entity within 12 months prior to the decision.
- ❑ Business Investments. Invested \$2,000 or more in a business entity in which you are a director, officer, partner, employee or manager of business.

You may have a Financial Interest in a Decision if you:

- ❑ Real Property. Invested \$2,000 or more in real property (or you hold a leasehold interest, not including month-to-month).
- ❑ Gifts. Received (or have been promised) a gift over \$500 from an individual or entity within 12 months prior to decision.
- ❑ Personal Finances. Will affect your personal expenses, income, assets by acting on item.

Common Law Conflict of Interest

- ❑ The Right to Fair and Unbiased Decision Makers
 - Personal Interest in Decision's Outcome
 - People Bias (for or against an applicant)
 - Factual Bias (additional ex parte information)
 - Appearance of impropriety

Recognizing Bias Issues

- ❑ Do you have a personal interest or bias in a decision?
- ❑ Are you on a board of an organization that may be impacted by your decision or that has taken a position on an issue?
- ❑ Do you have a personal bias regarding an individual or applicant?



Consequences of Violations

- ❑ Penalties, fees, criminal prosecution
- ❑ May require administrative decision to be set aside
- ❑ Could result in loss of appointment
- ❑ City could be sued if rises to level of denial of due process.

Disqualification:

When you have a Conflict of Interest

- ❑ Upon identifying a conflict of interest or a potential conflict of interest you must:
 - Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public.

Disqualification

(continued)

- Recuse yourself from discussing and voting on the matter
- Do not discuss matter with staff.
- Leave the meeting room until after the discussion, vote, and other disposition of the matter is concluded.

Disqualification

(continued)

- ❑ The City Attorney should be consulted as early as possible on matters you think may be a problem.
- Advice from the City Attorney does not protect CHB members from potential FPPC violations.
- FPPC Advice:
 - 1-866-ASK-FPPC (1-866-275-3772)
 - advice@fppc.ca.gov

Government Code 1090

- ❑ You cannot have a financial interest in any contract made by your agency.
- ❑ Disqualification is not enough
- ❑ Invalidates Contract
- ❑ Penalties for violation





any
questions?