Chapter 5

GOVERNING BODY MEETINGS

A governing body meeting is any meeting where at least a quorum of governing body members are present and at which municipal policy or business is discussed or any official action is taken. All such meetings of the governing body (and of any policy-making committee, board or commission) are subject to the Open Meetings Act (§§ 10-15-1 through 10-15-4). The Municipal Clerk should be thoroughly familiar with the Act and should warn the presiding officer and members if they are in possible violation of the Act.

There are basically three types of governing body meetings:

1. Regular meeting;
2. Special meeting; and
3. Emergency special meeting.

Some municipalities claim to have a fourth kind, a workshop where municipal matters are discussed but no action is taken. This is still a governing body meeting and must be held with adequate notice for the type of meeting (regular or special).

All governing body meetings must be open to the public, unless the subject matter allows them to be closed under one or more of the ten exceptions listed in § 10-15-1H(1)-(10).

Each year the governing body must adopt an Open Meetings Resolution stating what is considered adequate notice for each type of meeting, depending upon the means that municipality has of giving notice to the public (television, radio, newspaper or posting). A sample Open Meetings Resolution is shown behind this Chapter. Section 3-12-3(A)(4) leaves the scheduling of time and place of meetings to the governing body, but some municipalities list the schedule of their regular meetings in the Open Meetings Resolution.

The usual place for holding governing body meetings is at the municipal hall in a room designated for that purpose, but that is not a legal requirement. The place chosen should be one where the governing body is able to conduct its business efficiently and with dignity and where the public has reasonable access, including physical access for persons with disabilities. It may be desirable to designate an alternate place for holding regular meetings in appropriate circumstances.

REGULAR MEETING

A regular meeting of the governing body is a meeting which is held at the time and place designated for the usual transaction of the business of the governing body. The statutes do not prescribe any particular time or place for governing body meetings or any particular frequency. These matters should be established in the Open Meeting Resolution or by adopting and publishing a schedule of regular meetings.
There is no "normal" time or frequency of governing body meetings among New Mexico municipalities, but meetings should be held at a time convenient for the governing body members and which also allows interested citizens an opportunity to attend. The frequency of meetings depends upon the amount of normal business the municipality has to conduct, but even the smallest municipality should hold governing body meetings at least once a month. Because the composition of the governing body usually changes at each regular municipal election, the newly constituted governing body may wish to review the schedule of regular meetings and amend it for the convenience of the new governing body.

If a regular meeting date falls on a legal holiday, the date is not automatically postponed unless the resolution establishing regular meeting dates so provides; if the resolution does not, adequate notice of the alternate meeting date is required. If a regular meeting is to be held on a different date or at a different time or location, adequate notice is required but the meeting is still a regular, not a special, meeting.

SPECIAL MEETING
A special meeting of the governing body is a meeting held at a time other than the time designated for a regular meeting. It is usually held at the same time and place as the regular governing body meeting, unless there is some special reason for holding it elsewhere or at a different time.

A special meeting of the governing body may be called either by the mayor or by a majority of the members of the governing body. Besides giving required notice to the public, notice of such a meeting must either be personally served on each member of the governing body or left at the member's usual place of residence (§ 3-12-3(D)). Sample forms for this notice appear, along with an order for service and a return of service are behind this Chapter.

Unlike a regular meeting, at which any matter may be considered (subject to any special notice requirements which may exist for certain types of matters), only those matters included in the notice of the meeting may be considered at a special meeting. There is no statute which specifically states this, but it is a well-recognized rule of law throughout the United States; considering items not listed on the special meeting notice may violate the adequate notice provision of the Open Meetings Act.

EMERGENCY MEETING
An emergency meeting is one which is called because of a real emergency, which is defined by the Open Meetings Act (§ 10-15-1F) as "unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body." Within ten days of taking action on an emergency matter, the Open Meetings Act requires the public body to report to the Attorney General’s Office the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency. Such meetings should have the most public notice possible under the circumstances and your Open Meeting Resolution should say so. Emergency meeting business must be confined to dealing with the emergency at hand.

ADJOURNED OR RECONVENED (CONTINUED) MEETING
An adjourned or reconvened meeting is a continuation of a meeting that did not complete its business. The adjournment must be moved, seconded and passed at the original meeting so that those present, including press and public, will know when and where the meeting will be continued. The governing
body must, prior to recessing, specify the date, time and place for the reconvened meeting. A notice must be posted at the door immediately following the original meeting indicating where and when the reconvened meeting will be held. Only matters that were on the agenda of the original meeting may be discussed at the reconvened meeting. The meeting should be adjourned to the closest available date, time and place possible, usually the following day or two.

OPEN MEETINGS ACT VIOLATION
Although there is a statutory presumption that all actions of any policy-making body have been taken at a meeting held in compliance with the Open Meetings Act, if it can be established that this was not the case, all actions taken at an unlawful meeting will be invalid (§ 10-15-3). In addition, violation of the Act is a misdemeanor and is punishable by a fine of up to $500 (§ 10-15-4), and the district court may issue injunctions to enforce the Act (§ 10-15-3). Because of these serious consequences, we strongly recommend that meetings be closed only for valid reasons and, if possible, upon the advice of the municipal attorney.

Make sure that you, as Municipal Clerk, understand the exceptions for which a meeting may be closed (§ 10-15-1H) and inform the presiding officer and members if you feel they are not meeting the requirements for closing the meeting.

When a closed portion of an open meeting has been completed or when a closed meeting has been scheduled and held, the minutes of the re-opened meeting or the next open meeting must contain a statement, approved by the public body, that "the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting." (§ 10-15-1J)

CONDUCT OF MEETINGS
§ 3-12-3(A)(5) requires the governing body to "determine the rules of its own proceedings." Whatever rules of procedure are adopted by the governing body should, of course, be carefully followed. If, for instance, your governing body says that it will follow Robert's Rules of Order Revised, as many municipalities do, be sure that you have a copy of whatever edition (there are dozens) of Robert's they have voted to follow and that you follow it.

Regardless of the rules of procedure adopted by the governing body, there must be a quorum (at least one more than half of the existing members of the governing body) present in order to conduct business. If you lose the quorum, no business may be conducted after the meeting drops below a quorum. In addition, to pass an ordinance or resolution you must have enough members voting in the affirmative to constitute a majority of all members of the governing body. In a mayor-council municipality, since the mayor may vote only in case of a tie, if you had to count the mayor to achieve a bare quorum you will not be able to pass an ordinance or resolution at that meeting.

"A Practical Way to Conduct a Formal Meeting" by Gary A. Beimer appears at the end of this chapter (Pages 5-14 through 5-19). This may be of help to you in dealing with conduct of a meeting according to acceptable rules of parliamentary procedure.
ORDER OF BUSINESS
Every governing body should have an order of business to follow in its meetings, and the municipal clerk should be prepared to prompt the presiding officer, if necessary, to insure that the correct order is followed. This does not mean that a governing body may never deviate from the order of business for good reason. A definite and well-understood order of business is important, since it helps the presiding officer to conduct the meeting with a minimum of wasted time, and it helps the Municipal Clerk in assembling documents for the meeting, preparing the agenda, and writing the minutes.

AGENDA
An agenda is an outline or list of specific matters to be brought up at a particular meeting; it is, in a sense, an order of business for that meeting. The agenda lists the various items to be considered under each order of business. The revised Open Meetings Act requires that the agenda for regular or special meetings be available 72 hours before the meeting. The agenda must also be posted on the public body’s web site, 72 hours prior to the meeting, if the public body maintains a web site. The exceptions to the 72-hour requirement apply to: (1) meetings held to address an emergency (see Emergency Meeting on page 5-2), and (2) public bodies that ordinarily meet more than once a week. Those public bodies must post a draft agenda at least 72 hours before a meeting and a final agenda at least 36 hours before a meeting. A copy of the agenda should be provided for the presiding officer and all members of the governing body. If time, money, and reproduction facilities permit, copies may also be provided to department heads, the press, and citizens attending the meeting.

In most municipalities, the Municipal Clerk prepares the agenda in consultation with the presiding officer, although it may be prepared by the City Manager, if there is one. Unless there is a standing rule that officers or department heads notify the clerk of matters they would like on the agenda, he or she may have to ask them what they expect to report or bring before the governing body.

At the meeting, items that are not on the agenda may be discussed but no action (vote) may be taken if the item is not on the preliminary agenda. The agenda may be altered by majority vote of the members present. The omission of an item from the preliminary agenda does not prevent that matter from being discussed by the governing body, provided it is a matter which may otherwise be considered at the meeting (see Special Meeting and Adjourned Meeting on page 5-2, but no action (vote) may be taken on the item unless it was listed on the preliminary agenda. A sample agenda appears behind this Chapter.

Consent Agenda
A "consent agenda," sometimes called the "consent calendar" or "general order of business," is a portion of the full agenda which contains routine, non-controversial matters with which the governing body members are already familiar, and which should not normally need discussion. We recommend that matters on the consent agenda be physically grouped together as a separate item on the meeting agenda, although they may be placed throughout the meeting agenda, under the items to which they relate, and indicated by an asterisk or other special symbol.

The consent agenda can be a useful tool for expediting governing body meetings, if it has been established with the consensus of all concerned, and if it is properly used. It may be desirable to try it on an experimental basis before making it a permanent agenda item.
The consent agenda portion should be preceded by an explanatory note such as the following:

All matters listed under item 3, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Since matters on the consent agenda should be routine and non-controversial, the matters actually selected will depend upon the municipality. What is non-controversial in one municipality may be very controversial in another. Once the type of business to be considered routine and non-controversial has been decided upon, the selection of actual matters to be placed on the consent agenda of a particular meeting should be relatively easy. Selection may be made by the clerk, manager, mayor, department heads, a committee of the governing body, or whoever is designated by the governing body when it decides to adopt the use of a consent agenda.

1. **Approval of the Consent Agenda**
   Whether matters on the consent agenda are physically grouped together on the meeting agenda, or are placed throughout the meeting agenda and indicated by a symbol, the consent agenda is considered as one item of business, early in the governing body meeting, with one motion. Since the Open Meetings Act requires the minutes to show how each member voted, there should be a roll call vote on approval of the consent agenda. In the minutes of the meeting, consent agenda items are recorded individually and in full, as if considered separately and voted upon separately, including the "yeas" and "nays" on the vote.

2. **Removal of an Item from the Consent Agenda**
   Consent agenda items are not discussed separately, but an item may be removed from the consent agenda for discussion, if desired. Items removed from the consent agenda are discussed and voted on separately, either immediately after approval of the consent agenda, or in their normal sequence on the regular agenda.

There is no absolute rule on who may cause an item to be removed from the consent agenda. It is usually at the request of a member of the governing body, but the governing body may adopt its own rule in this regard.
SAMPLE OPEN MEETINGS RESOLUTION

Resolution No.

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the Constitution of New Mexico or the Open Meetings Act"; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor shall be punished by a fine of not more than five hundred dollars ($500) for each offense"; and,

WHEREAS, Section 10-15-1D requires that "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to that body."

NOW, THEREFORE BE IT RESOLVED by the governing body of the municipality of ____________, New Mexico that:

1. Notice shall be given at least _____ days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.

2. The regularly scheduled meetings of governing body will be held at ____ P.M on the _________ of each month in the governing body meeting room of the municipal building, located at ______________ in __________. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and/or time to be published as
provided in this Resolution. In the event that a regular meeting of the governing body is changed to a
different location, advance notice of the meeting location shall be published as provided in this
Resolution.

A member of the governing body may participate in a meeting of the governing body by means
of a conference telephone or other similar communications equipment when it is otherwise
difficult or impossible for the member to attend the meeting in person, provided that each
member participating by conference telephone can be identified when speaking, all participants
are able to hear each other at the same time and members of the public attending the meeting
are able to hear any member of the governing body who speaks during the meeting.

3. Notice shall be given at least _____ days in advance of any special meeting of a quorum of the
members of the governing body, board, commission, committee, agency, authority or other policy-
making body held for the purpose of discussing public business or taking any formal action within the
authority of such body.

4. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of
the date, time, place and subject matter of any regular or special meeting are published. Additionally,
the notice shall contain information on how the public may obtain a copy of the meeting agenda, said
agenda to be available at least seventy-two (72) hours prior to the meeting. The agenda will also be
posted on the _____________ web site at www. [Note: The posting of the agenda on
the public body’s web site is only required if the public body maintains a web site.] "Publish" means
printing in a newspaper which maintains an office in the municipality and is of general circulation
within the municipality. If such newspaper is a nondaily paper which will not be circulated to the
public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean
posting in six public places within the municipality, and one of the public places where posting shall be
made is the office of the municipal clerk, who shall maintain the posting for public inspection within
the time limits specified. The six public places notice shall be posted are:

The office of the clerk;
__________________;
__________________;
__________________;
__________________;
__________________; and,
__________________.

The clerk may, in addition to posting, publish one or more times in a newspaper of general circulation
within the municipality, even though it does not maintain an office within the municipality. In addition,
written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast
stations and newspapers of general circulation in the municipality which have provided a written
request for such notice.

5. In addition to the information specified above, all notices shall include the following
language: If you are an individual with a disability who is in need of a reader, amplifier, qualified sign
language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing
or meeting, please contact ______ at ______ at least one week prior to the meeting or as soon as
possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact [______] at [______] if a summary or other type of accessible format is needed. [Note: This section is not required by the Open Meetings Act, but is recommended to comply with the requirements of the federal Americans with Disabilities Act.]

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

7. The governing body of ______ may close a meeting to the public only pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978. If a meeting is closed during an open meeting, such disclosure shall be approved by a majority vote taken during the open meeting. The authority for the closed meeting and subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. If a closed meeting is called when the governing body of ______ is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the governing body of ______ in an open meeting.

8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing authority of the municipality of ______ may call emergency meetings of the governing body, any board, commission, committee or other policy-making body of the municipality. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the municipality from substantial financial loss. The municipality of ______ will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours’ notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the governing body of ______ will notify the New Mexico Attorney General’s Office of the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.

PASSED, ADOPTED, AND APPROVED this ___ day of _____ 20__.

______________________________
Mayor

ATTEST:
______________________________
Municipal Clerk
NOTE: The New Mexico Attorney General’s office recommends the following notice regarding public body meetings: Regular Meetings – 10 days; Special Meetings – 3 days; and, Emergency Meetings – 24 hours, unless threat of personal injury or property damage require less notice.
Notice of Special Governing Body Meeting
Called by Mayor

To: (name and address of governing body member)

I, ___________, Mayor of the City of ___________, do hereby call a special
meeting of the governing body to be held at _____ o'clock (a.m./p.m.) _____, 20_, in the
council chamber of the city hall, for the purpose of _____________________.

Date:

_______________________________
Mayor
Sample 2b

Notice of Special Governing Body Meeting
Called by Majority of Governing Body

To:  (name and address of mayor or governing body member)

We, the undersigned members of the governing body of the city of __________, being a majority of the members of the governing body, do hereby call a special meeting of the governing body to be held at _____ o'clock (a.m./p.m.), ______, 20__, in the council chamber of the city hall, for the purpose of ____________________.

Date:

________________________________________
Councilor

________________________________________
Councilor

________________________________________
Councilor
Sample 3

Order for Service

State of New Mexico

County of _________) ss. Date

City of _________)

To: (name or title, or both, of person directed to serve notice)

You are hereby directed to serve the foregoing notice personally upon _________, or to leave it at his usual place of residence, before _____ o'clock (a.m./p.m.), ________, 20__, and to make a return of service in writing, showing the manner of service.

(SEAL)

______________________________

City Clerk
Sample 4

Return of Service
(For use with Sample 3)

I certify that I served the notice of special meeting of the governing body, of which the foregoing is a copy, upon __________ (personally leaving the original at __________, his usual place of residence at _____ o'clock (a.m./p.m.),

_________. 20__.

Date:

__________________________________________
Signature and title of person serving notice.
Sample 5

Sample Agenda

_____ CITY COMMISSION MEETING

December 16, 20__

1. Roll call.

2. Approval of Minutes of Meeting of December 9, 20__.


4. Introduction of Adoption of Ordinances & Resolutions.
   a. Adoption of Resolution No. 1071-76, Condemnation 1420 West 7th.
   b. Introduction of Ordinance No. 1069-76, Zone Change, Rodes Addition from "B" to "E".


6. Old Business.
   a. Right of Way Easement, Airport for ENMR Telephone Cooperative.

   a. Approval of Lease Agreement, Boy Scouts.

8. Miscellaneous.
   a. Appointment to Parks & Recreation Board.
   b. Proclamation, Community Involvement Team of Levi Strauss.

9. Announcement of Date, Time & Place of Next Regular Meeting of City Commission.

10. Adjournment.
A PRACTICAL WAY TO CONDUCT A FORMAL MEETING
by
Gary A. Biemer

[Gary Biemer, a registered parliamentarian, is Code Enforcement Officer for the Town of Taos and Parliamentarian of the New Mexico League of Zoning Officials. Editorial comments or additions by the Municipal League are shown in bracketed italic.]

PURPOSE

There is a great need for learning the skills necessary for conducting a meeting efficiently, correctly and legally. Consequently, knowing the proper procedure is important.

Styles and rules in meeting procedure have changed over the years. The study of parliamentary procedure is not only the learning of rules, motions and debate but also serves the individual and the organization. Ideas and guidelines may be adopted from many recognized parliamentary authorities and one should use those best suited for the organization's needs. It may not be necessary to use all the parliamentary rules to accomplish the goals and objectives of an organization.

OBJECTIVES

The following objectives should be considered as a minimum level to understand and participate in, or to conduct, a meeting:

1. Assist in presiding over a meeting with knowledge and confidence.
2. Assist with a working knowledge and application of parliamentary procedure.
3. Assist with the steps that are necessary to achieve procedurally correct meeting results.

POINTS TO REMEMBER

1. Handle things one at a time.
2. All members have equal rights, responsibilities and obligations.
3. The will of the majority prevails.
4. The rights of the minority must be protected.
5. Every member has the right to know what the motion is and its effect before voting.
6. Meetings must be conducted with fairness and good faith.

GENERAL RULES FOR CONDUCTING A MEETING

1. No meeting can be held unless there is a quorum present.
2. A meeting should start at the scheduled time and have a definite purpose.
3. The presiding officer should state "The meeting is now called to order."
4. Follow the agenda or other order of business that has been prescribed or previously adopted.
5. Dispose of a pending motion before introducing another motion.
6. Adjourn when all business is completed. A motion to adjourn requires a second and must receive a majority vote.
A SAMPLE ORDER OF BUSINESS

1. Call to order
2. Roll call
3. Agenda (approval)
4. Approval of minutes
5. Reports - agenda items
6. Reports - special
7. Old (unfinished) business
8. New business
9. Adjournment

MOTIONS

What is a motion?
A motion is a verbal or written way to propose a question before an assembly for adoption or denial.

How to make a proper motion:
To make a proper motion, member must obtain the floor by saying: "Madame/Mister Chair, I move that..." and then state your motion. The motion should be seconded by another member.

Types of motions:

1. Main motion is one that is made to bring any particular subject before the assembly.
2. Subsidiary motion is one that may be applied to a main motion and certain other motions, for the purpose of modifying or delaying action or otherwise disposing of the motion.
3. Privileged motion is one that, having no relation to the pending question, is of such urgency or importance as to require it to take precedence over all other motions.
4. Incidental motion is one that arises out of another question which is pending or has just been pending, and must be decided before the pending question, or before other business is taken up.

How to amend a motion:
An amendment may be (a) to insert or add, (b) to strike out, (c) strike out and insert or substitute.

The order in which passage is obtained: First handle the amendment to the amendment, next the amendment to the main motion, and then the amended main motion as it now reads with the amendments included. [Do not go beyond an amendment to an amendment without disposing of the second amendment.]
What else may be done to a motion?
A motion may be stated, discussed and voted on, or one of the following may occur:

1. Tabled
2. Postponed
3. Referred
4. Ratified
5. Rescinded
6. Approved as stated
7. Denied as stated

DEBATE

What is debate?
Debate is the discussion, in an orderly manner, of the merits of a pending question. Every member of the assembly has the right to speak on every debatable motion before it is acted upon. This right cannot be interfered with except by a two-thirds vote. Do not wait until the motion has passed and then try to amend it.

Decorum in debate:
1. Confine remarks to the merits of the pending question.
2. Refrain from attacking a member's motives.
3. Address all remarks through the chair.
4. Avoid the use of the member's first name.
5. Refrain from speaking adversely on prior action.
6. Refrain from speaking against your own motion.
7. Refrain from distracting the assembly.

Modification of debate:
Limit time to speak - two-thirds vote required.
Change time limit - two-thirds vote required.
To close debate, a call for the previous question must be made and voted on - two-thirds vote required. At this time an objection to consideration of the question may be made, and must be denied or sustained by a two-thirds vote.

VOTING

How to vote:
When the question is called, each member has the right to vote either for or against the question. The method of voting will be established by the chair or determined by the constitution and by-laws of the assembly.

No motion is in order if it conflicts with the laws of the nation or the state or with the assembly's constitution or by-laws. If such a motion is adopted, even by unanimous vote, it is null and void.
Methods of voting:
1. Voice
2. Show of hands
3. Roll call
4. Rising (standing)
5. Division of the assembly ("yeas" to one side of the room, "nays" to the other)
6. Ballot
7. General consent
8. Machine
9. Mail
10. Proxy, if allowed by the assembly's by-laws or constitution

[Note: Under the Open Meetings Act, the vote of each member present must be recorded, so the method of voting must be one where the person taking the minutes can record the vote of each member.

Members of a municipal governing body must be present to vote; mail or proxy votes are not allowed.]

Voting numbers:
1. A majority vote is more than one-half of the votes cast.
2. Two-thirds is two-thirds of the votes cast.
3. Plurality is the largest number of votes cast (if more than two candidates).
4. Motion to adopt ordinance or resolution requires majority of all members, not just those present.]

[See Table of Motions at end of this article for requirements of motions, seconds, votes and action that may take place.]

COMMON ERRORS

Speaking out: Speaking out from the floor without being recognized by the chair is out of order. If allowed to continue, another member should call a point of order.

[Closing debate and voting on motion: Debate does not automatically close when a member calls for the question. If a member objects, the call for the question must receive a second and pass by a 2/3 majority of those present. This protects the right of all members to debate. However, when a call for the question is moved, the presiding officer may ask if there is any further debate and, if a member does not speak up, the presiding officer may then call for a vote on the motion.]

Seconding a nomination: A nomination is simply filling a blank and is not in the form of a motion, so it does not require a second.

Election by acclamation: This is widely misused in many organizations since acclamation means "general applause." This type of voting should not be used unless it states in the by-laws that the organization votes by applause.
Adopting a report: A motion to adopt is not necessary after a report has been presented unless the report is for other than information only. If the report states that some action is necessary, then vote only upon the portion requiring the action, not necessarily the report in its entirety.

For example, a financial report is presented. Adoption of this report does not insure accuracy of the figures unless it has been audited. The report should be referred to the auditing committee or the auditors, if any. If none, the proper motion is to refer it to an auditing committee to be appointed by the chair. When the auditing committee submits its report, it should then be adopted. Adoption carries with it the endorsement of the financial report and the accuracy of the figures.

12 TIPS FOR CHAIRING OR PRESIDING OVER A MEETING

1. Have available a copy of the constitution, by-laws and rules of order.
2. Try to memorize the list of ordinary motions and their order of precedence.
3. Be aware of all the business to come before the meeting (agenda).
4. Make sure each motion is not discussed before it is seconded.
5. If you make a mistake, correct as soon as your attention has been called to the problem.
6. Be careful of improper motions; stick to the subject matter of the pending question.
7. Have the least to say on the merits of the question.
8. Never interrupt members while they are speaking, only if they are out of order.
9. Be knowledgeable in parliamentary law, but never be more strict than absolutely necessary for the good of the meeting.
10. Use your best judgement.
11. Be fair and impartial.
12. REMEMBER, "the great purpose of all rules and forms is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberative sense." (Author unknown)
# TABLE OF MOTIONS

<table>
<thead>
<tr>
<th>Type of Motion</th>
<th>Needs</th>
<th>Debateable</th>
<th>Amendable</th>
<th>Majority Needed</th>
<th>Reconsiderable</th>
<th>May Interrupt</th>
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<tbody>
<tr>
<td><strong>PRIVILEGED MOTIONS (highest to lowest)</strong></td>
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<td>Point of order</td>
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**CODE:**  
* Chair decides  
1 Affirmative vote only  
2 Negative vote only  
3 Motion to adopt ordinance or resolution requires majority of all members