

(County Logo if available)

County-Appointed Board Member HANDBOOK

(Rough Draft)

A collaborative effort between:

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 **cde** | community
development
education
Enhancing Wyoming's Communities & Households

(Example Message from County Commissioners)

Something like:

Dear County Board Member:

Congratulations! You have been appointed to serve on one of Big Horn County's ___#___ boards. This handbook will acquaint you with county expectations and procedures during your term. We hope you find it helpful!

If you have any questions, please do not hesitate to contact your board chairman or the county commissioner's office at 307-568-2612.

Thanks for volunteering your time in service to Big Horn County.

Sincerely,

Big Horn County Commissioners

(logo)

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Basic Roles, Responsibilities and Expectations of Board Members in Big Horn County¹

Board members are appointed to serve Big Horn County in good faith with the best interests of citizens in mind. The ___#___ boards in Big Horn County govern different county services and each board has its own set of guidelines or bylaws. Members are responsible for fulfilling the duties described in their board's bylaws plus any state statutes or other applicable agreements. Boards represent the Board of County Commissioners and the citizenry of the county. This obligation means making careful decisions and managing board business in a prudent manner.

Most boards are either decision-making or advisory bodies. Decision-making boards function somewhat independently with authority to make decisions while advisory boards make recommendations to the county commissioners who are the final decision-makers. (Please see matrix on p. 8)

Bylaws describe the purpose or "business" of the board and how it functions. Changes made to bylaws must be discussed at an official meeting of the board, acted upon and signed by the chairman with a copy of the most current bylaws filed in the county commissioner's office.

Administrative Functions

Every board has governance and self management responsibilities. Good governance includes pursuing the purpose for which the board is intended, establishing direction, making decisions and providing internal controls for reasonable assurance of the effectiveness and efficiency of operations, reliable financial information and compliance to applicable laws and regulations.

Boards make decisions and committees do work. Boards utilize committees to investigate issues, explore options and develop recommendations. Committee work is done outside regular board meetings and brief reports are given during the meetings.

¹ Shipp, R., Big Horn Basin Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

Self management includes creating efficient meeting structures, policies and procedures that support good governance as well as appropriate records of decision-making (minutes) and financial accountability. Boards must use appropriate procedures for personnel issues to manage liability issues.

Board members do not receive compensation for serving on the board. Members are expected to attend meetings, refrain from voting when there is a conflict of interest,

Board members will elect officers. Officers will perform these functions:

President

- Agenda setting for regular monthly meetings – determines the purpose of the meeting. The general order of business is:
 - Call to order, roll call, approval of minutes from past meeting, officer's reports (includes treasurer's report), correspondence and communications, committee reports, unfinished business, new business, time/place of next meeting and adjourn. (More information is in the Parliamentary Procedure section. Sample agendas are in the Appendix).
- Controls and monitors the discussion to make sure that everybody who wants to participate gets a chance to voice their opinions.
- Adheres to open meeting laws.
- Liaison with county commissioners and staff.
- Board communication – for example, ensuring full participation of board members, possibly meeting reminders, board spokesperson.

Vice President

- Serves as second-in-command and presides at all meetings when the President is not present.
- Assumes the duties of the President should he or she not be able to fulfill his or her responsibilities.

Secretary

- The entire meeting discussion is not required in minutes. Prepares minutes that capture the highlights of the business conducted during the meeting.
- Minutes usually include the date, place, starting time, members present, members absent, presiding officer,

reading and approval of past minutes, balance of treasurer's report, name of member making the motion, action taken on the motion, decisions, other actions/items that affect the body, adjournment and time, and the secretary's signature. (Sample minutes are in the appendix.)

- Executive sessions should cite the statute and purpose in the motion and minutes
- Minutes do not have to be recorded for work sessions where no decision is made.
- Meeting reminders if assigned by President
- Correspondence

Treasurer

- Accurate accounting of monthly financial status including balances, a record of income and expenses and any other financial reports as needed.
- Encourages the board to carry out fiscal actions in a responsible way.
- Annual budget
- Timely bill paying and deposits
- Some boards have fiduciary responsibilities that may be subject to yearly audits.

Other positions, if needed

Scribe – it may be helpful at times during a meeting to have a scribe writing bulleted points on a flipchart for the entire group to see.

Timekeeper – monitors time to help the group stay focused on agenda items.

Gatekeeper – monitors ground rules to maintain civil discourse and meeting management.

Special Committees – may be authorized and appointed for special, limited purposes and shall serve only until completion of assignment.

The ultimate responsibility for a good internal control system rests with management are recognized as an integral part of each system that management uses to regulate and guide its activities

including policies, procedures, practices and system used to carry out its functions.²

Fiscal Responsibilities (currently working with auditors on this section)

- Manages cash flow (income and expenses), capital, profit and earnings
- Maintains an accurate representation of the financial state of the board
- Strict oversight and accounting procedures in place when handling cash
- Prepares and submits an annual budget to the Board of County Commissioners
- Operates within legal and liability guidelines
- Manages risk appropriately
- Liability ?? (Attorney)
- By Statute #_____, all revenue collected goes into the county general fund. The Board of County Commissioners evaluates and distributes any requests earmarked for special board donations.
- Name the depository for funds and request FDIC certification from the bank.

² Porter, Muirhead, Cornia & Howard. Establishing Internal Controls. June 10, 1998, p. 3.

(Board Matrix page)

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Effective Meetings

Effective meetings require adequate planning and preparation as well as group behaviors that foster productive interaction.

The first step is defining the purpose of the meeting – what you hope to accomplish. Perhaps it is to gather input, plan a project or event, make decisions, monitor progress or recognize contributions and accomplishments.

Decisions made prior to the meeting include determining the structure of the meeting (how to conduct the meeting to best accomplish the purpose), time and place, and the agenda. County board members are obligated to follow Wyoming's "open meeting" laws (see p. ___ or <http://attorneygeneral.state.wy.us/OpenMeetingsAct2005.pdf>).

Group Processes

Sometimes, decisions can be made easily with general discussion. Other times may require more group process tools. A few useful tools are:

- Brainstorming – usually lasts 1-5 minutes and involves the spontaneous contribution of ideas captured on a flip sheet and generated without concern for quality. The goal is a lot of ideas collected without criticism, judgment or concern for quality. Once the brainstorming ends, ideas are then evaluated, combined, adapted, discarded or adopted.
- T-Charts – draw a T on a flip sheet or whiteboard. Label one side Pros, Advantages or Pluses and the other side Cons, Disadvantages or Minuses. Board members explore the strengths and challenges of various options or solutions before making a decision.
- Rounds – all members participate by going around the room and each person is given an opportunity to speak. Participants can pass if they choose.
- Small Groups – when the group is large, this tool allows more people to be involved in the discussions so more viewpoints can be considered. Then each group shares their findings "piggy-back" style -- the first group reports

their major points, then every group thereafter adds only the points that have not yet been mentioned.

- Brain Pool – each member writes the problem in the form of a question at the top of a sheet of paper, then comes up with 2-3 ideas in 4-5 minutes. All sheets are placed in the middle, shuffled and redistributed. Each member reviews ideas and records any modifications or suggestions. This exchange is continued until an agreed upon time limit is reached, i.e., 20 minutes. Then all ideas are shared.

Decision Making

There are several options for making decisions as a board. Decision making policies by voting may be spelled out in the board's bylaws. Other options include:

- Unanimous agreement – everyone agrees and everyone has an individual veto.
- Consensus – group interaction designed to reach conclusions that everyone can agree on or live with because of full participation, mutual understanding and inclusive solutions.
- Committee – small groups are assigned specific tasks and may be granted authority to make decisions or make recommendations to the entire board for a decision.
- Individual – chairman/president decides or a designated individual.

Board Communication³

Board member behaviors that foster group interaction are crucial to function effectively. It helps to establish ground rules that board members honor as business is conducted. Examples of ground rules include starting/ending on time, respectful of diverse ideas and opinions, active listening, come to the meeting prepared and turn off cell phones. Visuals can assist in board communication to help increase understanding, capture ideas, keep track of decisions made and increase group memory.

Internal

Prior to the meeting:

- One week before – send agenda and any other materials for review. Include meeting date and time.
- Request RSVP to establish that a quorum will be present.
- Make facility arrangements.

During the meeting:

- Introduce and welcome new members and any guests present (if appropriate).
- Review ground rules.
- Provide opportunities for participation – discussion, identifying the pros/cons of various ideas, questioning, probing, researching facts.
- Summarize final decisions made, assignments or action items in preparation for the next meeting, responsibilities and timelines.

After the meeting:

- Send out minutes of decisions and action items in a timely manner. This may include flip chart notes.
- Send out resource materials identified as needed by board members.
- Remind members of action items, responsibilities and timelines.

External

³ Shipp, R., Big Horn Basin Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

- Speaking with the media: once decisions are made, board members speak as a united voice. Even though members may disagree, members agree to support the final decision.
- Dealing with the public – done in a courteous, respectful manner and offer opportunities for input.

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PARLIAMENTARY PROCEDURE⁴

A Basic Guide to Meeting Procedures for Boards and Groups

Many boards follow parliamentary procedures to accomplish their business discussions and decisions. A review of parliamentary procedure follows.

Purpose of Parliamentary Procedure

Parliamentary procedure was developed by General Henry M. Robert during the Civil War to bring order to officer meetings. The basic premise of Robert's Rules of Order is to protect each member's rights, while seeing that the majority rules. Parliamentary procedure is designed to accomplish one thing at a time, bringing each to resolution before going on to the next, all the while seeing that courtesy is extended to everyone.

Building the Agenda

Before each meeting, the Chair should create a detailed agenda. This includes the regular procedures for the board such as call to order, any opening ceremonies (pledge to the flag, etc.), reading of minutes, treasurer's report, committee reports, announcements, items of old business, items of new business, executive sessions, breaks, next meeting date and location, and any other major items that should come up during the meeting.

Questions to ask before the agenda would be:

- Does the secretary have the minutes ready for approval?
- Does the treasurer have a financial report ready to present?
- Do any officers or standing committee chairs have actions to propose or reports to make?
- Are any special committee reports due? Will any actions be proposed? What are they?
- Were any agenda items not reached at the time the last meeting adjourned?
- Was anything postponed to this meeting?
- Does the annual planning calendar require that action be taken at this meeting?
- What items will support the strategic direction? How does this meeting promote the organization's progress?
- Have you kept your ear to the ground so there are no surprises?

There are five basic types of agenda:

Priority Agenda: Put the items that must be decided at this meeting early on the agenda. Make sure that the most important items are considered first, when everyone is fresh.

Subject-Based Agenda: Group similar subjects together so that you aren't constantly changing focus, such as: administrative, financial, membership, etc.

⁴ Taylor, Bill, Northeast Area Community Development Educator, University of Wyoming Cooperative Extension Service, July 2007.

Strategic Agenda: Group your decisions according to the goals of the board. You can also create a strategic agenda for an entire meeting, retreat, or time period.

Presiding Agenda: After the member's agenda is prepared, make yourself a separate agenda with notations about votes required, committee appointments, etc. Leave extra space for notes and reminders.

Consent Agenda: The consent agenda is usually put near the start of the meeting. It is actually part of the regular agenda and can be made up of any number of items, but any item placed on the consent agenda should be so uncontroversial that it can be reasonably expected that it will be adopted with no debate or separate vote. The Chair calls up the consent agenda by saying "the consent agenda is before you" and then asks if anyone wants to remove anything. To do so, a member does not need to be recognized; he just calls out the item number. The Chair responds, "Item number x is removed." When no more items are removed, the Chair says: "Without objection, the remaining items on the consent agenda will be adopted." Remember: no debate or separate vote is allowed on any item unless it is removed. If no one objects, all items are adopted. Removed items are either taken up right after the adoption of the consent agenda or are placed later on the agenda under the heading where they would have otherwise appeared. The approval of the minutes, routine matters, or motions that have been discussed at previous meetings are good candidates for a consent agenda.

It is often helpful to ask each person as they arrive if they have any agenda items and to check with committee chairs to see if they have reports to be included. Items of business brought up during committee reports can be handled immediately after the report or added to the order of business during old and/or new business.

Often the agenda is put before the group as soon as the meeting is called to order and the Chair asks for any changes, additions, or suggestions. The agenda can be agreed to by consensus and it remains simply a suggested outline for the Chair. However, if a motion is made and passed to approve the agenda, it becomes the order of the day and must be followed unless a motion is passed to suspend the order. If the "order of the day" is established and the group strays from this order of business, any member may call for the "order of the day" and the Chair is required to immediately bring the meeting back to the current or next item on the agenda.

Voting

There are four basic methods of voting in a meeting:

1. *Voice*
The Chair asks members to verbally say "Aye" or "Nay" to a motion. This type of vote is used when a specific count is not required. When used, the Chair must decide and announce which vote carried the majority and whether the motion passed or failed.
2. *Rising*
Rising means standing or raising of hands. This method is used for a specific count and that count should be announced by the Chair along with the passage or failure of the motion.

3. *Secret ballot*

The secret ballot is used to allow each member to cast their vote while avoiding undue influence by others. The Chair is allowed to vote when using this method.

4. *Roll call*

The secretary polls and records the vote of each member. The Chair then announces the results, often stating which members voted for and against the issue.

Most votes require a simple majority, which is one more than half the members voting (**not** 51% of those present). A two-thirds majority is required for motions which limit rights. A two-thirds vote requires a rising or ballot vote.

The Chair does not vote during a voice vote to avoid undue influence by the power of his or her position. If the Chair cannot determine whether the “ayes” or “nays” have more votes, he or she may decide to call for a rising vote. In the case of a rising vote, the Chair may vote to create or break a tie, but not both. The Chair is free to vote in a secret ballot like any other member. In all cases, a tied vote fails to pass the motion.

Not all motions require a vote by the body, some are simply ruled on by the Chair (e.g. point of order).

Quorum

A quorum is the number of members required to be present at the meeting to conduct business. This amount is usually one member over half unless otherwise stated in the bylaws. If a quorum is not present at the meeting, a general discussion can be held on various issues, but no official business can be conducted.

If stated in the by-laws or previously approved by the membership, alternative methods may be used to obtain a quorum, such as using electronic communications (speaker phone, web cam, email, etc.), proxy votes, or other methods.

General Meeting Requirements

- Presiding officer
 - Usually the Chair or President
- Secretary or recorder
- Other officers as stated in the bylaws
- A quorum of members

Motion

A motion is simply a tool to transact business. If parliamentary procedure is strictly followed, there should be no discussion or business completed without a motion on the floor. This means there is enough interest for discussion of the issue to proceed. However, this rule is often not strictly adhered to, especially in smaller boards and/or groups which may want to have some open discussion before deciding whether the issue needs to be considered as a formal item of business. However, the Chair should see that most issues proceed quickly to a motion. If a motion is not forthcoming, the item should be referred to another place and time outside the business meeting. The term “business meeting” means just that – a place where business is conducted, not unending discussion of related or unrelated issues.

A second is required by most motions to show that more than one person is

interested. If there is no second then the motion lost for lack of second, and the Chair announces it as such. Until a motion is seconded the maker can withdraw it. Once it is seconded, it becomes the property of the group and is on the floor for discussion or final determination.

There are four types of motions:

- Main – to introduce business
- Subsidiary – to change or take action on the main motion
 - Most common – amendment
- Incidental – deals with rules and parliamentary procedure
- Privileged – handles personal matters
 - Such as: can't hear, don't understand, too cold, adjourn

See the **Summary of Motions** at the end of this document for a listing of the major motions of each type and their characteristics, such as whether they require a second, if they are debatable and amendable, what vote is required for passage, whether they can be reconsidered, whether subsidiary motions can be applied to them, and whether they are in order when someone else has the floor.

Handling a Main Motion

Let's review the proper procedure for handling a main motion which has been properly made during the meeting.

A member rises or raises their hand for recognition and addresses the Chair, "*Mr/Madam/Ms President/Chair Person.*"

The Chair must recognize the member before the member continues by using their name or some other format and asking them to continue.

The member presents the motion by saying, "*I move...*". A motion is **NOT** offered by saying, "*I make a motion...*" or "*I motion...*". Motions are made in the positive. In other words, motions intend to do something or cause something to happen. Motions are not usually offered to **NOT** do something – simply refrain from making a motion if you don't want to follow a course of action.

The Chair asks for a second. Parliamentary law does not require the recognition or recording of who made the second. Consequently, a second only requires a member to call out that they second the motion. A second is required to prove that more than one person is interested in the motion. If a second is required and not made, the Chair will declare that the motion is lost for want of a second.

If seconded, the Chair repeats the motion and asks for discussion. Only during discussion can other motions be made to change the main motion or do something with it. Each member who wants to discuss must be recognized by the Chair. The maker of the motion should have the first right to provide arguments in favor of their motion. The Chair has the responsibility to recognize persons on both sides of the issue, preferably in alternating order if their position is known.

The Chair should not discuss or introduce business. The Chair should only discuss business if he or she gives up the chair to another (vice-chair, etc.).

This should not become a general practice and only be used if the Chair feels they have vital discussion concerning the issue before the group. On the other hand, the Chair may provide information previously unknown to the board without giving up the chairmanship if it is given in a factual and neutral matter and allowing the members to discuss its implications and decide how the information should affect its decisions.

If the Chair gives up the chairmanship to discuss a motion, he or she should not take the chairmanship back until the matter is decided, and then must wait for the invitation of the person who assumed the chairmanship in their place.

Bringing the discussion to an end:

1) The Chair can ask for a vote if (s)he has asked for more discussion and there is none.

2) A member can call out "*Question*," which means they are ready and asking for a vote. The call for the question carries no legal weight – it is only a suggestion. If more discussion is offered, the call for the question is ignored.

The Chair states, "*The question has been called. Is there any further discussion?*" If there is none then..." *Seeing none, we will proceed to vote.*"

3) A member can move "The Previous Question." In this case the member is moving to end discussion and move to a vote. This motion requires a second and, since it curtails the right for further discussion, takes a two-thirds vote to pass.

After discussion, the motion must be voted on unless another motion has done something else with it; e.g. – lay on the table, postpone indefinitely, postpone to a certain time, refer to a committee. The Chair states, "*We shall now proceed to vote on the motion to...*" and restates the motion (as amended, if amended) so all understand what they are voting on. If a counted vote is not required, the Chair calls for a voice vote: "*All in favor of the motion say 'aye.' All opposed 'nay'.*"

After the vote, the Chair must announce the outcome: "*The motion is carried/lost.*" If a gavel is used, one tap of the gavel follows the Chair announcement.

Order of Precedence

Order of precedence is the order in which motions must be handled if more than one is on the floor at one time. The chart below shows the order of precedence of some of the more common motions. A motion lower on the chart is out of order if a motion above it is being considered. Whenever a motion is decided it loses its precedence because it is no longer on the floor.

Adjournment
Recess
Points of Order
Lay on the Table

Previous Question
Postpone to Definite Time
Refer to a Committee
Amendment to Amendment
Amendment to Main Motion
Postpone Indefinitely
Main Motion

The motion to adjourn always has highest precedence because it will end consideration of all other business.

See a complete guide in Robert’s Rules of Order for in-depth directions on precedence procedures.

Amendments

Amendments can be made to insert, delete, or change the wording of an amendable motion. However, an amendment is not in order to completely reverse the meaning of the motion. Amendments are made during discussion of the main or another amendable motion. A second is required, it is debatable and amendable, a majority vote is required, and the amendment can be reconsidered.

If made and seconded, the amendment must be discussed and voted on before going back to discussion on main motion. Why? Because it may change the main motion and change opinions on whether it be pass or fail.

Once the amendment is passed or failed, business proceeds back to discussion on the main motion as it was made or as amended. If amended, the Chair should state the wording of the main motion as amended.

Amendments can be amended.

The same procedure applies as for the amendment to a main motion. However, only two levels (an amendment to the amendment) are usually allowed – too many levels of amendment are confusing. Remember that the “amendment to the amendment” must be decided first (takes precedence), then the “amendment to the main motion,” and then the main motion. And each level of amendment is offered, discussed, and voted upon during the discussion of the motion to which it applies.

Example Procedure

Chair: *Is there any further business?*

MAIN MOTION:

Member: *Mr. Chairman*

Chair: *Tom (Sam, Eunice, Mary, Bill...)*

Member: *Since our treasury is getting low I move that we hold a slave sale.*

SECOND:

I second the motion.

Chair: *It has been moved and seconded to hold a slave sale. Is there any discussion on the motion?*

DISCUSSION:

Member 1: *Mr. Chairman*

President: *Mary*

Member 1: *I think this is a great idea because we have the manpower and our benevolence fund has been completely drained.*

Member 2: *Mr. Chairman*

Chair: *Dick*

Member: *I would urge the membership to vote against this motion because I am so busy. I just don't have the time to donate a day of free work, and I doubt that many of you do either.*

AMENDMENT:

Member: *Mr. Chairman*

Chair: *Lucy*

Member: *I move to amend the motion to add the words "at the February 10th basketball game."*

Chair: *Is there a second?*

Member: *I second the motion.*

Chair: *It has been moved and seconded to amend the motion by adding the words "at the February 10th basketball game." Is there any discussion?*

Member: *Mr. Chairman*

Chair: *Sam*

Member: *I don't think that will work because that is the same day that most of us will be gone on a business trip to Cheyenne.*

AMENDMENT:

Member: *Mr. Chairman*

Chair: *Susie*

Member: *I move to amend the amendment by changing the 10th to the 17th.*

Member: *Second.*

Chair: *It has been moved and seconded to amend the amendment by changing the date from the 10th to the 17th. Is there any discussion? (No discussion offered.)*

If there is no discussion, we are ready to vote on the amendment to the amendment to change the date to the 17th. All those in favor say "aye."

Those opposed "nay." (Makes judgment on prevailing vote.)

The motion carries.

Chair: *We will now resume discussion on the amendment as amended to add the words "at the February 17th basketball game." Is there any further discussion? (No discussion offered.)*

If not, we shall proceed to vote on the amendment. All those in favor say "aye."

All those opposed "nay." (Makes judgment on prevailing vote.)

The "ayes" have it. The amendment is passed.

Chair: *We will now resume discussion on the main motion as amended to read: "We will hold a slave sale at the February 17th basketball game." Is there any further discussion? (No discussion is offered.)*

Hearing none, we will proceed to vote. All those in favor of holding a slave sale at the February 17th basketball game, say "aye."

All those opposed say "nay." (Makes judgment on prevailing vote.)

The motion is carried.

Member: *I call for a division of the house.*

Chair: *A division of the house has been called for. All those in favor of the motion please stand and remain standing to be counted. (Those standing are counted.)*

All those opposed please stand. (Those standing are counted.)

The count is 23 to 14 in favor of the motion. The motion is carried.

MOVING TO NEXT ITEM OF BUSINESS:

Chair: *The next item of business on our agenda is..*

[or]

Mr./Madam Secretary, what is our next item of business?

[or]

Is there any further business to be presented?

[or]

That completes our business for today. I declare this meeting adjourned.

Reports

Secretary's minutes, the Treasurer's report, and committee reports are just that, reports. They do not require a motion for acceptance and are simply received by the Chair.

The minutes of previous meetings should be read, either at the beginning of the meeting, or sent out to members previously. After reading, the Chair simply asks

whether there are any corrections, then declares the minutes approved as read or corrected. No motion is necessary.

The same procedure is used for the Treasurer's report.

If committee reports contain recommendations for the board, then the person making the report should properly move for the adoption of the report at its conclusion. A second is not required, since the committee recommendation proves that more than one person is already interested in its passage. Adoption of the report means that the group has approved and adopted the recommendations. If there is disagreement on whether the recommendations should be adopted, discussion on the motion to adopt the report should reveal the pros and cons. If necessary, use the motion "Divide the Question" to consider recommendations separately.

All reports should become part of the Secretary's records.

Nominations

A nomination is a suggestion, not a motion. Consequently, nominations do not require a second. Nominations should be taken for the highest office first and election for that office should be completed. Then those not winning the election can be nominated for succeeding offices. If a nominating committee is used, accept their report, but then the membership should be asked for any additional nominations. A motion to close nominations requires a two-thirds vote since it is closing the privilege of offering names for the office in question.

Referral to Committee

A motion to refer to a committee can be made with three levels of power for the committee:

1. To report findings back to the body.
2. To report and make recommendations to the body.
3. To have the power to act on behalf of the body.

When a committee recommendation is brought in the form of a motion, no "second" is required from the floor since the committee is made up of several persons and this shows that more than one person is already interested in passage of the motion.

How to preside

President must:

- Keep members well informed concerning:
 - Pending business
 - Vote results
 - Motion before the group
 - Any matters affecting members' rights
- Insist on accepted parliamentary procedure
- Maintain order

If an improper motion is made, the Chair should tactfully and courteously suggest the proper motion, avoiding "You are out of order!".

Depending on the formality and working relationship of the group, the Chair can assume general consent without asking for a vote or motion. This is often reserved for items of lesser importance for which there is little indication of a difference of

opinion. The Chair should state that the item is decided by consensus unless there is objection. Members may ask for any item to be put to a vote if they doubt there is consensus.

Meeting Minutes

The following are items that should be included in meeting minutes.

- Kind of meeting
- Date
- Place
- Starting time
- Presiding officer
- Reading and approval of past minutes
- Balance of treasurer's report
- Name of member introducing motion
- Action taken on motion
- Vote if counted
- Other actions/items which affect body
- Adjournment and time
- Secretary's name and/or signature

It is not necessary to record who seconded a motion – it is sufficient to simply record that the motion was seconded. Nor is it necessary to record discussion or comments; only motions and decisions need be recorded.

Parliamentarian

It is quite acceptable for the Chair to stop the proceedings to check with a designated parliamentarian on proper procedure. If a parliamentarian is not designated, the Chair may take time to check on proper procedure or ask someone within the meeting to do the necessary research. It is better to get it right first than to try to go back and correct mistakes.

Use as Much as Prudent and Necessary

Once you understand the basics of parliamentary procedure, the question remains – how much do you use? You can go all the way from not using any parliamentary procedure on the one end, such as using consensus or other methods to find agreement, to the other end, insisting on complete and total parliamentary law for any and everything in the meeting.

Most boards or groups find a middle pathway that works best for them. One of the dictating factors will be the board's bylaws. Most sets of bylaws state that meetings will be run by Robert's Rules of Order. If your bylaws state such, and you are not following proper parliamentary procedures, your actions could be deemed null and void, or even worse, illegal. Consequently, if you are constrained by law or your board bylaws state to function by parliamentary law, you must do so.

At the same time, there is a wide variance in the degree of enforcement of the use of parliamentary rules. Usually it is best to not use more parliamentary rules and procedures than is necessary and practical for your board and/or group meetings to run smoothly and efficiently. It may not be necessary to use more than the basics of properly making and completing main motions, amendments, and a few of the other subsidiary and incidental motions as needed. At the other extreme are legislative bodies and the Congress who follow very detailed, and sometimes convoluted

parliamentary rules which are often used by one faction to thwart the efforts of another.

Find the level of parliamentary law that works well for your meetings and still falls within the requirements of being legal and efficient according to your bylaws and the statutes which empower your board.

SOME OTHER COMMON MOTIONS

Question of Privilege

Used for questions or issues which relate to the rights or privileges of any member. For issues affecting the entire group, the person raising the issue would say, "I rise to a question of privilege related to the assembly." These could be issues or questions related to items like heating, lighting, ventilation, disturbance or noise, punishing disorderly conduct, accuracy of reports, etc. For personal issues you would state, "I rise to a question of personal privilege." The Chair should do their best to remove any obstacles to a proper meeting and/or environment.

Point of Order

This is used to correct a parliamentary error occurring in the meeting to bring the group back to the proper order of procedure. To raise a Point of Order say, "Mr/Ms Chairperson, I rise to a point of order," without waiting for recognition. After being recognized, state the error in parliamentary procedure. The Chair will rule on the point if (s)he knows the answer, check with the parliamentarian, ask for advice from other knowledgeable members, or a decision by the body.

The Chair will state, "Your point is well taken," or "Your point is not well taken," with an explanation of the reasoning for the decision.

Appeal From the Decision of the Chair

If you do not feel the Chair made a proper or legal decision, you may appeal their decision. Your appeal should be based on the occurrence of improper procedure, not disagreement on issues. This motion must be made at the time of the decision. Say, "Mr/Ms Chairperson, I appeal the decision of the Chair," without being recognized. The Chair must then put their decision to a vote of the body.

Parliamentary Inquiry

This motion is used to clear up a parliamentary question that needs to be answered immediately or may affect the outcome of the meeting. Start by saying, "Mr/Ms Chairperson, I rise to a parliamentary inquiry," without recognition. The Chair should provide an answer immediately if necessary, or may wait for the speaker to finish if possible. The Chair may need to check with the parliamentarian, other members, or the body to determine the proper parliamentary procedure.

To Lay on the Table

The object of this motion is to clear the floor for more urgent business and has the effect of delaying action on the issue to which it is applied. It should

not be used to kill action on an item. The item of business should be taken up again as soon as is practical and is brought back to the floor by the motion:
To Take From the Table.

To Postpone to a Certain Time

Unlike *To Lay on the Table*, this motion sets a specific time when the item of business is returned to the floor for action. This motion is not in order when the time set could not be realistically used to bring the item back on the floor, such as when the assembly will not be in session or when the time set is after the action must occur.

To Postpone Indefinitely

The purpose of this motion is to prevent a vote on the question and to actually suppress or kill the item.

Other Types of Meeting Facilitation

There are other types of meeting facilitation besides using parliamentary procedure and Robert's Rules of Order. These other methods of leading a meeting are usually used for other things besides legal business which can be recorded in typical minutes.

Consensus is often used by working groups that have certain tasks to perform, such as a committee or a conflict resolution process. Consensus does not mean that everyone always sees eye to eye or totally agrees on every issue, but rather those involved in the meeting are willing to give and take to find a resolution or solution that all can live with. Consensus means that everyone involved in the process will support the final solution put forth by the group and will not take action to stop or undermine that solution.

Another type of meeting facilitation which might be used is asking for unanimous support and agreement. If an issue is especially important, the board may not want to go ahead unless everyone is in agreement. This would require a favorable vote or comment by everyone involved in order to proceed.

If the board is not looking to conduct official business, general discussion may be in order. This is often used when the group is in the information gathering stage and the meeting is simply open to each person asking questions and making comments to come to greater shared understanding.

General discussion is similar to brainstorming. However, brainstorming is more generative. With this method, everyone is invited to provide any idea they might have on a subject or problem – the purpose being to get as many ideas on the table as possible without discussing the pros and cons, strengths or weakness of any of them. That is done later by other group processes which can help to group ideas, identify those that seem most practical or useful and have the most interest from group members.

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Draft

PARLIAMENTARY PROCEDURE SUMMARY OF MOTIONS

Classification	Kind	Second Required	Debatable	Amendable	Vote Required	Can Be Reconsidered	Subsidiary motion can be applied	In order when another has floor
Privileged								
	Fix Time to Adjourn(11)	Yes	No	Yes	Maj	Yes	Yes	No
	Adjourn(13)	Yes	No	No	Maj	No	No	No
	Question of Privilege	No	No	No	None	No	No	Yes(16)
	Recess(13)	Yes	No	Yes(14)	Maj	No	Yes(1)	No
	Call for Order of Day(17)	No	No	No	18	No	No	Yes(16)
Incidental								
	Rise to Point of order	No	No	No	None(4)	No	No	Yes(16)
	Appeal Decision of Chair	Yes	Yes(4)	No	Maj(5)	Yes	22	Yes(16)
	Suspend the Rules	Yes	No	No	2/3	No	No	No
	Object to Consideration of Question	No	No	No	2/3	21	No	No
	Divide the Question	Yes(7)	No	Yes	Maj	No	Yes(1)	No(7)
	Division of the House	No	No	No	8	No	No	Yes(16)
	Parliamentary Inquiry	No	No	No	None	No	No	No
	Nominate	No	9	9	9	No	9	9
	Make Request Growing Out of Pending Business	No(10)	No(10)	No(10)	10	10	No(10)	Yes(10)
	To Withdraw a Motion	No	No	No	Maj	Yes	No	Yes
Subsidiary								
	Lay on the Table	Yes	No	No	Maj	No	No	No
	Previous Question	Yes	No	No	2/3	Yes	No	No
	Postpone Definitely (to a certain time)	Yes	Yes	No	Maj	Yes	Yes	No
	Limit or Extend Debate	Yes	No	No	2/3	Yes	Yes	No
	Commit or Refer to Committee	Yes	Yes	Yes	Maj	Yes	Yes	No
	Amend	Yes	Yes(2)	Yes	Maj	Yes	Yes	No
	Postpone Indefinitely	Yes	Yes	No	Maj	Yes	Yes(3)	No
Main								
	Main Motion	Yes	Yes	Yes	Maj	Yes	Yes	No
Other								
	Take from the Table	Yes	No	No	Maj	No	No	No
	Reconsider	Yes	Yes(19)	No	Maj	No	Yes	Yes
	Rescind	Yes	Yes	Yes	20	No	Yes	No
	Ratify	Yes	Yes	Yes	Maj	Yes	Yes	No

- 1 - Can be amended but can have no other subsidiary motion applied.
- 2 - Can be debated only when the question being amended is debatable.
- 3 - Can have only a motion calling for the previous question and motions limiting or extending time of debate applied to it.
- 4 - Is usually decided by chair, without calling for a vote.
- 5 - A tie vote sustains the chair and presiding officer may cast the vote that makes a tie.
- 6 - Can not be debated if made during a division of the assembly, or when the pending question is undebatable. Can not be debated when it applies to indecorum, transgression of the rules of speaking or to priority of business.
- 7 - The question must be divided at the request of a single member, (which request can be made when another has the floor) provided the resolutions relate to different subjects which are independent of each other.

- 8 - When a division is called for, the chair proceeds to take the vote again by rising. No vote is taken on whether a division shall be made, i.e. on whether a standing vote shall be taken.
- 9 - To nominate, one simply rises, addresses the presiding officer, and states, "I nominate Mr. ----", and is again seated.
- 10 - Great variation is found since several different kinds of requests are included under this one heading. Often the chair settles the question, no vote being taken.
- 11 - Is a privileged motion only if made while another motion is pending, and in an assembly that has made no provision for meeting again on the same or next day; otherwise it is a main motion. The answers apply to the privileged motion.
- 12 - When unqualified, is always a privileged motion except when effect would be to disband the group permanently. The answers apply to the privileged motion, not to a main motion to adjourn.
- 13 - Is a privileged motion if made when other business is pending, otherwise is a main motion. Answers apply to the privileged motion.
- 14 - Can be amended as to the length of time to recess.
- 15 - Is usually disposed by chair, without vote.
- 16 - May interrupt if urgent enough to justify such action.
- 17 - Is in order only when orders are not being conformed to and is then always a privileged motion.
- 18 - Chair should proceed to order of the day or put a question as to whether the group wishes to proceed with the order. A motion to not proceed to the order requires a 2/3 vote, the same as suspending the rules.
- 19 - Debatable when the question to be reconsidered is debatable.
- 20 - Often requires a 2/3 vote but considerable variation is found. See Robert's Rules of Order.
- 21 - An affirmative vote cannot be reconsidered.
- 22 - Cannot be amended. If repeal of the appealed decision would have no affect on the consideration or action on the main question, the main question does not adhere to the appeal; its consideration is resumed as soon as the appeal is laid on the table, postponed, etc. But if the ruling affects the consideration of or action on the main question, then the main question adheres to the appeal, and when the appeal is laid on the table or postponed, the main question goes with it.

THE OPEN MEETINGS ACT⁵

A SUMMARY

Prepared by
The Wyoming Office of the Attorney General
July 1, 2005

1. What is the purpose of the Open Meetings Act?

Answer: The overriding principle of the Act is that government should conduct its business in an open manner.

The Act expressly provides that “all **meetings** of the **governing body of an agency** are open to the public at all times, except as otherwise provided.” See WYO. STAT. § 16-4-

403 (emphasis added). Public access to government agencies, boards and commissions is critical to a representative form of government. Governmental boards and commissions are essentially engaged in the **public’s** business. The first duty of government is to serve the public. Holding public meetings insures that all affected people are permitted an opportunity to be heard on issues that are important to their lives. Boards, commissions, and sub-agencies within departments or agencies of government are required to comply with the Open Meetings Act as set forth in this handbook.

For answers to specific questions concerning open meetings or actions which may be subject to the Open Meetings Act, contact the Wyoming Attorney General’s Office.

2. Who is subject to the Open Meetings Act?

Answer: Meetings of State boards and commissions are subject to the Act’s requirements. Meetings of directors of departments and State stand-alone agencies are not covered under the Act.

⁵ <http://attorneygeneral.state.wy.us>

A. State Boards and Commissions:

[T]he act applies to multi-member state boards and commissions such as the Wyoming Liquor Commission, the Public Service Commission, Wyoming Highway Commission, Wyoming Game and Fish Commission, Employment Security Commission, Oil and Gas Conservation Commission, and the like.

See Attorney General Opinion No. 17, dated August 3, 1973.

B. Directors and Stand-Alone Agencies:

[W]here the law governing a particular agency vests the full responsibility and authority for the agency's decisions in a single individual (e.g., Tax Commissioner, Director of Department of Administration and Fiscal Control, Insurance

The Open Meetings Act: A Summary

July 1, 2005

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Commissioner, State Examiner, State Engineer), the Act does not apply, since such an individual is not a 'governing body,' within the definition of the Act.

See Attorney General Opinion No. 17, dated August 3, 1973.

3. Does the Act apply to “sub-agencies?”

Answer: Yes.

Some agencies headed by a single officer or agency head have “sub-agencies,” which

consist of a multi-member governing board. Sub-agencies, such as the Board of Control,

which is part of the State Engineer's Office, must comply with the Act.

However, *ad hoc* advisory committees are not covered. An example of an *ad hoc* advisory committee is the gathering together of several multi-member boards and/or several

agency heads for a particular purpose not considered an agency action, such as advising the

Governor as to a particular problem or objective.

4. When does the Act apply?

Answer: Generally, the Act applies if at least a quorum of the members of a governing body meet, even informally, in order to consider matters which are within the agency's official business.

Under the Act, all meetings of the governing body of an agency are public meetings,

open to the public at all times, except as otherwise provided, and no action may be taken

except during a public meeting. As defined by statute, “meeting” means an assembly of at

least a quorum of the governing body of an agency which has been called by proper authority

of the agency for the purpose of discussion, deliberation, presentation of information or

taking action regarding public business. *See Wyoming Attorney General Opinion 17, Part*

B, dated August 3, 1973. *See also WYO. STATS. §§ 16-4-402(a)(i) and (iii), and 16-4-403.*

So, the Act applies to informal discussion about public business amongst a quorum of the members of a governing body.

The day-to-day administrative activities of an agency are not subject to the Act’s notice requirements. This provision refers to work done by county commissioners.

Thus,

neither the Act nor its notice requirements apply to daily administrative tasks performed by

The Open Meetings Act: A Summary

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county commissioners which are not considered agency action. *See WYO. STAT. § 16-4-404(e).*

5. Does the Act cover deliberations after a contested hearing?

Answer: Yes.

Because all “meetings” of a governing body of an agency are considered public meetings, open to the public at all times (*see WYO. STAT. § 16-4-403*),

deliberation by a

governing board after a contested hearing, but before an agency decision is rendered, is

subject to the Act. Excepted from this requirement are deliberations by the governing board

following personnel hearings and professional licensing hearings, as addressed below, and

other executive sessions expressly exempted under WYO. STAT. § 16-4-405.

6. What are the notice requirements under the Act?

Answer: No action of a government body of an agency is to be taken

except during a public meeting **following notice of the meeting**. The Act contemplates fair and reasonable advance notice of meetings. The notice requirements vary and are set out below:

A. Regular Meetings

In absence of a statute setting out a schedule or requirement for regular meetings, a

governing body is required, by ordinance, resolution, bylaws, or rule, to hold regular

meetings, unless the agency's normal business does not require regular meetings. Under the

Act, the governing body shall provide notice of its meeting to any person who requests

notice. The governing body must also comply with notice requirements in other statutes,

outside the Act, that require them to provide notice to certain persons.

Under the Act, the notice requirement may be fulfilled by mailing a copy of the meeting schedule or resolution setting the next meeting to whomever has made a request for

notice. No particular form of notice is required as long as it specifies clearly the name of the

agency holding the meeting, the specific date, time and place of the meeting, and the general

or specific purpose. Again, if a particular statute or ordinance, outside the Act, mandates

special notice requirements for the particular governing body or situation at hand, then those

requirements must be followed.

When notice under the Act is to be given, the agency should give sufficient advance

notice of the meeting to the local news media to enable media representatives to attend the

The Open Meetings Act: A Summary

July 1, 2005

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meeting. The Act does not specifically require that notice be made statewide.

Nevertheless,

whenever possible, agencies should adopt a regular meeting schedule, providing for an

adequate number of scheduled meetings so that special meetings can be limited to the

smallest number possible, and so notice of meeting schedules may be given to media

representatives who normally cover the affairs of each agency or have requested notice of such meetings.

See Attorney General Opinion No. 17, dated August 3, 1973.

B. Special Meetings

The presiding officer of a governing body may call special meetings if timely notice of the meeting is provided to each member of the governing body and to each newspaper of general circulation, radio, and television station requesting notice. The notice shall specify the time and place of the special meeting and the business to be transacted. **No other business may be considered at a special meeting.**

See Wyoming Attorney General Opinion No. 17, dated August 3, 1973; *see also* WYO. STAT.

§ 16-4-404(b).

C. Recess of Meetings

A regular or special meeting may be recessed (cancelled or moved to another location) by the governing body to a place and at a time specified in the “order of recess.” A copy of the order of recess is to be conspicuously displayed on or near the door of the place where the meeting or recessed meeting was held. *See* WYO. STAT. § 16-4-404(c).

D. Emergency Meetings

Governing bodies may hold emergency meetings on matters of serious immediate concern to take temporary action without notice. However, governing bodies shall make a reasonable effort to provide public notice. **All actions taken at an emergency meeting are temporary. In order for actions taken at an emergency meeting to become permanent, they must be reconsidered and action taken at an open public meeting within 48 hours.**

See WYO. STAT. § 16-4-404(d). Thus, action taken on a Friday afternoon must be reconsidered by Sunday afternoon.

7. Does the Act apply to meetings conducted by telephone or videoconference?

Answer: Yes.

The Open Meetings Act: A Summary

July 1, 2005

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In interpreting the legislative intent of the Act, it is the opinion of the Wyoming Office

of the Attorney General that the Act applies to telephonic and video conferences where a

quorum of members of a governing board of an agency gather together by telephone

communication or videoconference to participate in agency business covered by the Act.

In notifying interested parties of the conference, the same notice requirements would

apply as addressed in Paragraph 7 above.

See Attorney General Opinion No. 17, Part B, dated August 3, 1973.

8. Does the Act require that minutes be taken?

Answer: Minutes must be taken at all meetings, regardless of whether official action has been taken.

If no action is taken, the minutes do not need to be published in a newspaper, however, they should be available for public examination. *See WYO. STAT. § 16-4-403(c).*

9. When can a governing body go into executive session?

Answer: A governing body may go into executive session when any of the events listed in WYO. STAT. § 16-4-405(a) occur and a member makes a motion to go into executive session, it is seconded and the motion carries by a majority of members in attendance when the motion is made.

WYO. STAT. § 16-4-405(a) provides that governing bodies may hold executive sessions in the following situations:

- (i) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;
- (ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee,

professional person or officer requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(iii) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(iv) On matters of national security;

(v) When the agency is a licensing agency while preparing, administering or grading examinations;

(vi) When considering and acting upon the determination of the term, parole or release of an individual from a correctional or penal institution;

(vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(viii) To consider acceptance of gifts, donations and bequests which the donor has requested in writing be kept confidential;

(ix) To consider or receive any information classified as confidential by law;

(x) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations;

(xi) To consider suspensions, expulsions or other disciplinary action in connection with any student as provided by law.

See WYO. STAT. § 16-4-405(a).

10. Do governing bodies need to take minutes at executive sessions?

Answer: Yes.

Minutes shall be maintained of any executive session. Minutes and proceedings of executive sessions shall be confidential and produced only in response to a court order,

except for portions of minutes reflecting a member's objection to the executive session.

See WYO. STAT. § 16-4-405(b).

11. Are there penalties for not complying with the Act?

Answer: Yes.

Taking an action which violates the Open Meetings Act is a misdemeanor. In addition, any member of a governing body who attends or remains at a meeting where an

action is taken which violates the Open Meetings Act is guilty of a misdemeanor unless 1)

the member objects, the objection is contained in the minutes, and the objection is made

public at the next regular public meeting; or 2) at the next public meeting the member objects

and has that objection recorded in the minutes.

In addition to the misdemeanor penalties listed above, any action taken at a meeting

where the Open Meetings Act was not followed is null and void.

APPENDIX

Summary of Motions

Sample Agendas

Sample Minutes

Board Bylaws

Draft

PARLIAMENTARY PROCEDURE SUMMARY OF MOTIONS

Classification	Kind	Second Required	Debatable	Amendable	Vote Required	Can Be Reconsidered	Subsidiary motion can be applied	In order when another has floor
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	Question of Privilege	No	No	No	None	No	No	Yes(16)
	Recess(13)	Yes	No	Yes(14)	Maj	No	Yes(1)	No
	Call for Order of Day(17)	No	No	No	18	No	No	Yes(16)
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	Rise to Point of order	No	No	No	None(4)	No	No	Yes(16)
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	Object to Consideration of Question	No	No	No	2/3	21	No	No
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	Division of the House	No	No	No	8	No	No	Yes(16)
	Parliamentary Inquiry	No	No	No	None	No	No	No
	Nominate	No	9	9	9	No	9	9
	Make Request Growing Out of Pending Business	No(10)	No(10)	No(10)	10	10	No(10)	Yes(10)
	To Withdraw a Motion	No	No	No	Maj	Yes	No	Yes
Subsidiary								
	Lay on the Table	Yes	No	No	Maj	No	No	No
	Previous Question	Yes	No	No	2/3	Yes	No	No
	Postpone Definitely (to a certain time)	Yes	Yes	No	Maj	Yes	Yes	No
	Limit or Extend Debate	Yes	No	No	2/3	Yes	Yes	No
	Commit or Refer to Committee	Yes	Yes	Yes	Maj	Yes	Yes	No
	Amend	Yes	Yes(2)	Yes	Maj	Yes	Yes	No
	Postpone Indefinitely	Yes	Yes	No	Maj	Yes	Yes(3)	No
Main								
	Main Motion	Yes	Yes	Yes	Maj	Yes	Yes	No
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	Take from the Table	Yes	No	No	Maj	No	No	No
	Reconsider	Yes	Yes(19)	No	Maj	No	Yes	Yes
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	Ratify	Yes	Yes	Yes	Maj	Yes	Yes	No

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Sample Agenda⁶

Call to Order

Roll Call

Reading/Approval of Minutes

Officer's (and others) Reports

Committee Reports

Unfinished Business

New Business

Adjourn

Yet to be added:

Another agenda
Sample minutes
Bylaws of County Boards

⁶ National Association of Counties. [The Right Way to Run a Meeting: A handy guide for county officials.](#)