

# CODE OF ETHICS

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I, agree to adhere to the following ethical principles as an appointee to a county board and/or commission:

- Exercise fair, honest and independent judgment
- Make public disclosure of all “monetary pecuniary interests” I have regarding any decision to be made on the board/commission
- Define “monetary pecuniary interest” broadly to include any actual or potential benefits or advantages that I, a spouse, family member or person living in my household might directly or indirectly obtain from a decision the board/commission might make

A public official may vote, if the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses

- Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which I have a monetary pecuniary interest, and leave any chamber in which such matter is under deliberation
- Seek or accept no gifts or favors
- Not participate as an advisor or decision maker or advocate on any plan or project in which I have previously participated as an advocate unless my role as advocate is authorized by state ethics rules
- Not misrepresent facts or distort information for the purpose of achieving a desired outcome
- Not participate in any matter unless adequately prepared and sufficiently able to render thorough and diligent service
- Not use confidential information acquired in the course of my duties to further a pecuniary interest
- Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations
- Follow the requirements of the West Virginia Governmental Ethics Act WV Code §6B-1-1 et seq
- And understand that failure to follow the requirements could result in removal, jail and/or fines.





# **A Guide to the West Virginia Open Governmental Proceedings Act**

(W. Va. Code §§ 6-9A-1 through 12)

Also known as the "Sunshine Law" or "Open Meetings Law"



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**The Open Meetings Act**  
generally requires that meetings of a public agency's governing body be open to the public and the media, and that reasonable notice of the meeting and its agenda be given in advance.

## General Information on Open Meetings Act

### Who is covered?

The Act covers all administrative and legislative units of state, county and municipal government including any subunit (e.g. committees) authorized by law to exercise some portion of executive or legislative power. The Act does **not** apply to courts or private organizations that receive government funding.

### What is a governing body?

Two or more members of a public agency who have the authority to make decisions for, or recommendations to, the public agency on policy or administration is considered a governing body.



### What is a meeting for purposes of the Open Meetings Act?

A "meeting" covered by the Act is a convening of a quorum of a governing body or subcommittee in order to make a decision or to deliberate towards a decision.



Meetings may be held by telephone conference or other electronic means, such as video conferencing. In these instances, governing bodies must ensure that all their members can hear, and be heard by, each other and any media or member of the public present at the meeting.

When a quorum of a governing body discusses issues of interest upon which the governing body expects to take some official action, then this is a meeting. If this discussion takes place outside the confines of a public meeting—whether in person, by telephone, email or other telecommunication means—it is an illegal meeting.

#### **What gatherings are not meetings subject to the Open Meetings Act?**

General discussions among members of a governing body or committee on issues of interest to the public in a social, educational, training, informal, ceremonial or similar setting, so long as there is no intent to conduct public business or for the discussion to lead to official action, are not gatherings subject to the Open Meetings Act.

Adjudicatory proceedings, on-site inspections, a political party caucus, and discussions on logistical and procedural methods to schedule and regulate a meeting are also not matters covered by the Open Meetings Act.

## **Notice and Agenda**

#### **How much advance notice of a meeting is necessary?**

Public notice of the meeting date and agenda must be made available in advance of a meeting to the public and news media.

Every public agency must establish rules for giving advance notice of all regularly scheduled and special meetings. W.Va. Code § 6-9A-3. In addition, the Open Meetings Committee of the West Virginia Ethics Commission, through the issuance of advisory opinions, has established rules which determine how much advance notice is required.



#### **How do I calculate days for purposes of the Open Meetings Act?**

In calculating days, do not count the day of the meeting, weekend days or State or Federal Holidays. State Agencies, however have additional obligations for posting meeting notices.



### When and how do I post a Notice?

**State Agencies** - Each State Agency shall file a notice of any meeting with the Secretary of State for publication in the State Register in a manner to allow it to appear in the Register at least **five** calendar days before the date of the meeting.

**Local Governing Bodies** - Notice must be given in a reasonable manner. When a governing body meets in accordance with a fixed schedule, such as the second and fourth Monday of each month, it may comply with the meeting notice requirement in the Act by annually posting notice of the date, time and place of these regular meetings or regular committee meetings for the coming year, and keeping this notice posted throughout the year.

**Regular meetings** - For local governing bodies which do not have a fixed schedule, these bodies may comply with the Open Meetings Act by posting a notice **three** business days in advance of the meeting.



**Special meetings** - When a local governing body meets on an irregular schedule, or needs to meet before the next regularly scheduled meeting to address matters that do not involve an emergency, these are considered special meetings. Notice must be posted **two** business days in advance of the meeting.

Although State Agencies may conduct a special meeting, i.e. a meeting held between regularly scheduled meetings, due to the more restrictive language in the Open Meetings Act, the State Agency meeting notice must be published in the State Register at least **five** calendar days prior to the date of the special meeting. State Agencies may **not** call an Emergency Meeting for a subject that is not a true emergency. Failure to file a timely notice of the meeting with the Secretary of State does **not** constitute an emergency.

(See **Emergency Meetings** on page 8.)

### What must a notice include?

Notice must include the date, time and place of the meeting. For special meetings or emergency meetings, the notice must state the purpose.



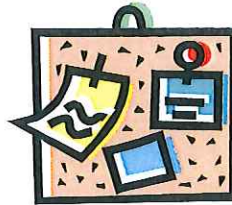
### When do I post the Agenda?

Regular meeting – three business days before the meeting.  
 Special meeting- two business days before the meeting.  
 Emergency meeting – As soon as practicable

### Where and how do I post an agenda?

A governing body complies with the Act by posting its meeting agenda for each regularly scheduled meeting in a public place at its central office, as well as having copies of the agenda available to be picked up at the same location during regular business hours.

In addition, in its discretion, it may distribute agendas to the news media by mail, telephone facsimile or E-mail, or the agenda may be posted on the governing body's internet website, if it has one. While additional dissemination to the public and the media is encouraged, failure to provide an agenda by such additional means will not invalidate an otherwise proper public meeting.



### What about governing bodies which meet weekly?

For governing bodies which meet weekly, different rules apply. The agenda may be issued two business days before the meeting.

### May I amend an agenda?

Yes. The agenda may be amended up to two business days before the meeting. If you amend the agenda, you must repost the agenda following the procedure you used to post the original agenda. The only circumstances under which a governing body may amend an agenda during a meeting is if a true emergency arises.

### How specific must an agenda be?

Agendas must give reasonable notice to the public of every issue that will be discussed. Specifically, any matter requiring the governing body to take official action must be listed on the agenda. For example, "filling position of office manager" would be sufficient.

Use of vague headings such as "old business" and "new business" is clearly insufficient. The public should also be given notice of significant additions or changes to the agenda, as noted above. Each governing body should have rules on how such notice will be given.



## Minutes

### Should minutes be prepared?

The Act requires that written minutes of all open meetings be available to the public within a reasonable time after the meeting. The minutes must include:

- The date, time and place of the meeting.
- The name of each member of the governing body present and absent.
- All motions, orders, resolutions, ordinances and measures proposed, the name of the person proposing each action and the disposition of the matter.
- The results of all votes, including roll call votes by member name, if such votes are conducted.



## Emergency Meetings

### What is an emergency?

Governing bodies should exercise caution when calling an **emergency meeting**. Ordinarily, an "emergency" involves an unexpected situation or sudden occurrence of a serious nature, such as an event that threatens public health and safety.

Every unexpected or sudden event does not constitute an emergency. For example, employing an attorney to assist the governing body does not constitute an emergency. Likewise, acting on a questionable bill for legal services does not constitute an emergency.




### Is immediate action required?

When in doubt as to what constitutes an emergency, ask what are the consequences if the governing body does not act

immediately. If it can wait two business days without significant adverse consequences, then you should call a special meeting instead.





Or, call the Ethics Commission to discuss the situation with staff.

In order to satisfy the terms of an emergency meeting exemption, not only must a matter involve an emergency, the governing body must be required to take immediate official action in response to the situation.

For example, if a flood were to contaminate a town's water supply, the council may be required to approve various actions to protect public health and restore the system to safe operation.

**Must a notice or an agenda be posted?**

For an **emergency meeting**, the notice must be posted as soon as practicable. The notice must set forth the reason for, and purpose of, the emergency meeting. Similarly, governing bodies that wish to add emergency matters to their meeting agenda must post an amended agenda which includes the emergency item. The amended agenda shall further explain the facts and circumstances which warrant adding the emergency item to the agenda.

In the event of an emergency requiring immediate official action, a State Agency may file an emergency meeting notice with the Secretary of State at any time prior to the meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and facts and circumstances of the emergency.

**Are written minutes required for an Emergency Meeting?**

Yes. The explanation for the emergency must be repeated during the meeting and set forth in the written minutes of the meeting.

## Executive Sessions

**When may a governing body go into an executive session?**

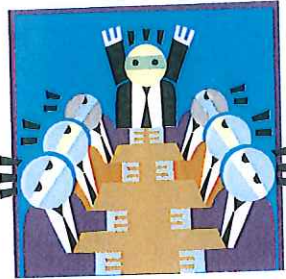
A governing body may go into an executive session for any of the reasons set forth in the Open Meetings Act at W.Va. Code § 6-9A-4. Some common grounds for going into an executive session are to discuss personnel matters, pending litigation, to consider matters involving the purchase, sale or lease of real property, or to plan or consider an official investigation.

**How do you convene an executive session?**

A member of the governing body must make a motion to go into executive session. The motion must state in plain language the grounds for convening an executive session.



For example, a member may state that he or she is moving to go into executive session based upon the personnel exception. It is not necessary to cite the specific code provision. A governing body may go into executive session to discuss **only** matters that appear on the meeting agenda.



**Must the agenda state that the governing body will go into executive session?**

No. In fact, a governing body may not decide in advance of a meeting that it will go into executive session. The agenda **may** indicate that it is anticipated that a matter may be discussed in executive session, but the governing body may only go into executive session by a majority vote of the members present.

The agenda item must be descriptive enough to put the public on notice of the nature of the matter being discussed regardless of whether it will be discussed in an open session or executive session.

For example, an agenda item to discuss pending litigation may read, "Discuss pending lawsuit of *Smith v. Jones* with Legal Counsel." Once again, generic agenda items such as "Discuss pending litigation" are too vague to adequately put the public on notice as to the matter to be discussed.

**May a governing body vote on matters in executive session?**

No. Votes may not be taken in an executive session. Instead, the governing body may only vote once it reconvenes in an open session.

One exception is that a governing body may vote to give its attorney settlement authority in an executive session. The fact that a governing body has authorized its attorney to engage in settlement negotiations and/or has set a settlement range is not required to be disclosed. If a settlement is reached, then the settlement agreement, including the amount, becomes a matter of public record.

**Is a governing body required to take minutes for an executive session?**

No. The decision of whether or not to take minutes for an executive session lies within the discretion of the governing body. The



governing body may want to seek the advice of legal counsel concerning whether minutes should be taken.

If a governing body decides to take minutes in an executive session, the Act does not require the disclosure of such minutes to the public.

## Advice and Advisory Opinions

### How do I get advice?

Call or write the Ethics Commission for informal advice from one of the attorneys, or check out the Commission's website for relevant advisory opinions.

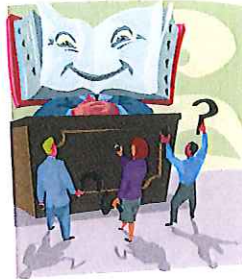
### What is an Advisory Opinion?

The West Virginia Ethics Commission's Committee on Open Governmental Meetings gives written advisory opinions to governing bodies and their members on whether a proposed action or an action of an ongoing nature violates the law.

The opinions provide an absolute defense in any civil suit or criminal prosecution to the requesting agency and any other governing body which is similarly affected, provided the opinion is relied upon in good faith.

The Committee on Open Meetings meets on the first Thursday of each month to consider written requests.

Requests for written advisory opinions should be submitted in writing at least ten calendar days before the Open Meeting Committee meeting.



### Why ask for a written Advisory Opinion?

A written advisory opinion gives the persons seeking the opinion an absolute defense to civil suits and criminal charges for future actions taken in good faith reliance on the opinion.

**NOTE:** The Committee cannot provide advice on an action that has already occurred. However, if the action is part of an ongoing course of conduct, an advisory opinion on continuing that course or



practice may be requested.

The Commission's website, [www.ethics.wv.gov](http://www.ethics.wv.gov), contains precedential opinions. A governing body that acts in good faith reliance on a precedential advisory opinion has an absolute defense to a civil suit or criminal prosecution as long as the underlying facts and surrounding circumstances are substantially the same as those addressed by the written opinion.

## Enforcement and Penalties

### How is the Act enforced?

The Ethics Commission has no role in enforcing the Act and does not investigate complaints of violations. The Act provides that any citizen may file a civil action in Circuit Court within 120 days after the action or decision complained of occurred.

Only the Court has the power to compel compliance with the Act or annul a decision made in violation of the Act. Additionally, anyone who willfully and knowingly violates the provisions of the Act is subject to criminal prosecution for a misdemeanor.

### What are the penalties for violating the Act?

In civil actions, in addition to injunctive relief requiring a governing body to rescind an action taken in violation of the Act, the prevailing party may obtain attorneys' fees and costs. If a public official is criminally prosecuted and found guilty, then he or she may be fined up to \$500 for a first offense.







## Frequently Asked Questions



### **Are committee meetings subject to the Open Meetings Act and meeting posting requirements?**

*Yes. All sub-units of a governing body, regardless of size, must follow the Open Meetings Act. This includes regular, standing, and ad hoc committees.*

### **Are work sessions subject to the Open Meetings Act?**

*Yes. The term work session is frequently used by governing bodies to describe a meeting where the members of the governing body or subcommittee are discussing a project or reviewing a budget, but will not be taking official action.*

### **May citizens and the media record meetings?**

*Yes. Pursuant to the Open Meetings Act, anyone may record the meetings. The governing body may adopt rules governing the placement of the recording equipment, but it may not prohibit anyone from recording a meeting.*

### **Does the Open Meetings Act require that meetings be electronically recorded by the governing body?**

*No. However, governing bodies should check their enabling legislation or local ordinances to determine whether recording is required pursuant to statute or rule.*

### **May items be added to the agenda during a meeting?**

*No. If a citizen or member of the governing body raises a matter during the course of a meeting, the item may not be discussed or voted upon at the meeting. Instead, it must be added to a meeting agenda for a future meeting. The only exception is if the item is an emergency. In that case, the governing body should follow the procedure set forth for emergency meetings and agenda items.*





**Are governing bodies required to allow members of the public to speak at a meeting?**

*No. The purpose of the Open Meetings Act is to allow citizens to observe the governing body for purposes of promoting transparency. However, governing bodies are encouraged to have a public comment period. A governing body may adopt rules which impose restrictions upon public comment periods such as the amount of time which will be allocated to each speaker.*

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**For more information on the Open Meetings Act,  
please contact the:**

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**7/2010**



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## OPEN MEETINGS CHECKLIST

### FOR STATE EXECUTIVE BRANCH AGENCIES **ONLY**

- ✓ Are notices of all regular and special meetings published in the State Register by the WV Secretary of State at least 5 calendar days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ Are notices of any emergency meetings stating the date, time, place and purpose of the meeting, as well as the facts and circumstances of the emergency, filed with the WV Secretary of State prior to the meeting? W. Va. Code § 6-9A-3
- ✓ Does each published notice contain the date, time, place and purpose of the meeting? W. Va. Code § 6-9A-3

### FOR **ALL OTHER** GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a notice containing the schedule for all regular meetings posted annually and maintained throughout the year in a public place, such as the agency's office, the County Courthouse, and/or the local Post Office? W. Va. Code § 6-9A-3
- ✓ Are notices of special meetings containing the date, time, place and purpose of the meeting similarly posted in a public place at least two business days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ In calculating this two business day notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded?

### FOR **ALL** GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a meeting agenda made available a reasonable time in advance of each regular scheduled meeting? W. Va. Code § 6-9A-3

**NOTE:** The WV Ethics Commission's Committee on Open Governmental Meetings has concluded that governing bodies may provide reasonable advance notice of the items to be acted upon at a regular meeting by issuing the meeting agenda at least three business days in advance of each meeting. Once an agenda has been issued three or more business days in advance, the agenda may only be amended up to two business days in advance of the meeting, unless the matter involves an emergency requiring immediate official action. In calculating these two or three business day periods, the day of the meeting, Saturdays, Sundays and legal holidays are not counted.

- ✓ Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting?



✓ Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W. Va. Code § 6-9A-3

✓ Before holding an executive session, does the governing body:

(1) determine by a majority vote that an executive session is required to consider one of the actions permitted under the Open Meetings Act; and

(2) is the authorization in the Act which permits such executive session identified to the governing body and the public by the presiding officer? W. Va. Code § 6-9A-4(a) &(b)

**NOTE:** The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2), above, by describing the subject matter for which an exemption in the Act authorizes an executive session, rather than reciting the applicable numbered section in the W. Va. Code. Further, while certain privileged matters may be discussed in executive session, most matters requiring official action, excluding rulings on student disciplinary matters and developing security procedures, must be voted upon in public.

✓ If action is taken by reference to matters contained in a written agenda or similar listing, are copies of such agenda or other listing available for public inspection by the public attending the meeting before any such vote is taken? W. Va. Code § 6-9A-8(a)

✓ Are all votes conducted by voice, show of hands or by rising, without use of a secret or written ballot? W. Va. Code § 6-9A-8(b)

✓ Are meeting minutes prepared and made available to the public and media within a reasonable time after each meeting? W. Va. Code § 6-9A-5

✓ Do the minutes reflect the date, time and place of the meeting? W. Va. Code § 6-9A-5(1)

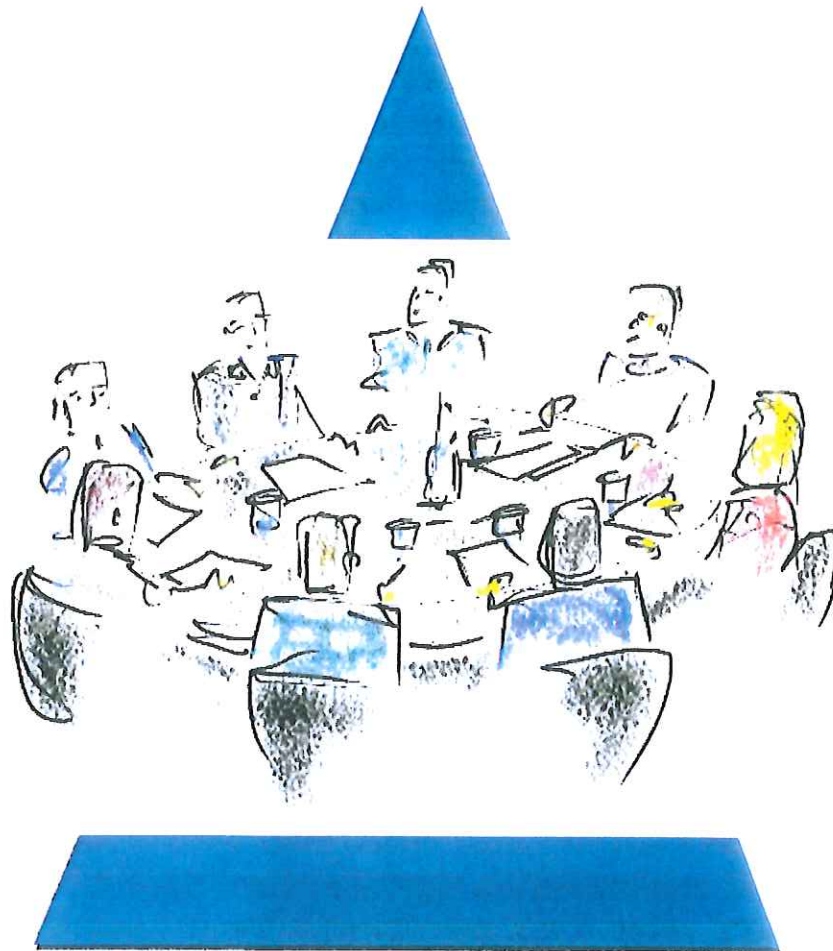
✓ Do the minutes reflect the name of each member of the governing body who was present and absent? W. Va. Code § 6-9A-5(2)

✓ Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same, and their disposition, reflected in the minutes? W. Va. Code § 6-9A-5(3)

✓ If a matter was acted upon that was not on the meeting agenda (or meeting notice in the case of a special meeting), or if the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes?



# Robert's Rules of Order



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## **WHAT IS PARLIAMENTARY PROCEDURE?**

**IT IS A SET OF RULES FOR THE  
CONDUCT OF MEETINGS THAT  
ALLOWS EVERYONE TO BE HEARD  
AND TO MAKE DECISIONS  
WITHOUT CONFUSION.**



# Simplified Rules of Order

## Principles of Parliamentary Procedure

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1. The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.
2. A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence.
3. All members have equal rights, privileges and obligations. One of the chairperson's main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally – for example, not to permit a vocal few to dominate the debates.
4. A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.
5. The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members – majority and minority – should be the concern of every member, for a person may be in a majority on one question, but in the minority on the next.
6. Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote.
7. Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and by good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.



# **Simplified Rules of Order**

## **Sample Order of Business**

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Here is the sample order of business for a regular business meeting. It is not intended that this is the final word on how an agenda should be presented. Each chairperson should follow an order that is satisfactory to him or her and to the organization.

### **The Order of Business**

The chairperson of a meeting should prepare in advance a list of the order of business or an agenda for the meeting. A sample order of business follows:

1. Preliminaries
2. Call to Order
3. Minutes
4. Treasurer's Report
5. Correspondence (listed)
6. Unfinished Business
7. Committee Reports
8. New Business
9. Announcements
10. Adjournment



# **Excerpt From Robert's Rules of Order Newly Revised**

## **Procedure in Small Boards**

- Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- Informal discussion of a subject is permitted while no motion is pending.
- The chairperson need not rise while putting questions to vote.
- The chairperson can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly allowed regardless of how many members are present), the chair usually can make motions and usually votes on all questions.

Robert's 405-406

Robert, Sarah Corbin, Robert's Rules of Order Newly Revised, Glenview, Illinois: Scott, Foresman and Company, 1970.



# Simplified Rules of Order

## Conducting Commission Meetings

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1. The President calls the meeting to order and follows the order of the agenda.
2. The agenda may be prepared by the President or a secretary.
3. The County Clerk takes and is in charge of the minutes.
4. Motions do not need a second.
5. There is no limit on debate.
6. Informal discussion is permitted while no motion is pending.
7. The presiding officer can take motions, discuss motions, and should vote on all questions.
8. Voting is done by a show of hands or voice vote.
9. A member should disqualify himself or herself from voting where there is a conflict of interest or an ethical question involved, in the item of business before the commission.



# Simplified Rules of Order

## Minutes

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### What to Include in Minutes

1. Name of the organization, date, time, place of meeting, regular, special or adjourned.
2. The presence of the regular presiding officer and the secretary, or the name of their substitutes.
3. What action was taken on the minutes of the previous meeting (approved or corrected).
4. Body of minutes contains the fact that the report of officers, board, standing and special committees were given, and what action was taken.
5. All the final wording of all main motions with amendments incorporated, any motion to rescind, what happened to each motion – was it adopted, lost, or temporarily disposed of, but not if it is withdrawn.
6. The name of the maker of the motion is included but not the person who seconds the motion.
7. Announcements: For example, any previous notice of bylaw changes, or any motion to be made at a later meeting or if the meeting time or place is different for each meeting.
8. Last paragraph contains hour of adjournment.
9. Minutes are closed with signature and title of person who took the minutes.
10. Nothing is erased from the minutes. Corrections are made in the margin. If material is expunged, a line is drawn through the words that are to be expunged.
11. When minutes are approved, the word “approved” and the secretary’s initials and date of their approval are written below the minutes.



**I**

**MOVE**

**THAT....**



# **Simplified Rules of Order**

## **Motions That Bring a Question Again**

### **Take From the Table**

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Before a meeting can consider a matter that has been tabled, a member must move:

“That the question concerning \_\_\_\_\_ be taken from the table.” Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote.

If a motion to take from the table passes, the meeting resumes debate on the original question (or any amendments to it). If a considerable period of time has elapsed since the matter was tabled, it is often helpful for the first speaker to review the previous debate before proceeding to make any new points.

### **Reconsider**

### **Rescind**



# Simplified Rules of Order

## Incidental Motions

### Point of Order

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This motion permits a member to draw the chair's attention to what he/she believes to be an error in procedure or a lack of decorum in debate. The member will rise and say: "I rise to a point of order," or simply "Point of order". The chair should recognize the member, who will then state the point of order. The effect is to require the chair to make an immediate ruling on the question involved. The chair will usually give his/her reasons for making the ruling. If the ruling is thought to be wrong, the chair can be challenged.

A point of order can interrupt another speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered.



# Simplified Rules of Order

## Privileged Motions

### Recess

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A member can propose a short intermission in a meeting even while business is pending, by moving to recess for a specified length of time.

A motion to take a recess may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess), cannot be reconsidered, and requires a majority vote.

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### Question or Point of Privilege

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If a situation is affecting the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (for example, noise, inadequate ventilation, introduction of a confidential subject in the presence of guests, etc.), a member can *raise a point of privilege*, which permits him/her to interrupt pending business to make an urgent statement, request or motion. (If a motion is made, it must be seconded.) The motion might also concern the reputation of a member, a group of members, the assembly, or the association as a whole.

If the matter is not simple enough to be taken care of informally, the chair rules as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

A point of privilege may also be used to seek permission of the meeting to present a motion of an urgent nature.



# Simplified Rules of Order

## Procedures Used in Meetings

### Subsidiary Motions

#### Amend

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An *amendment* is a motion to change, to add words to, or omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must, of course be related to that motion.

An amendment cannot interrupt another speaker, must be seconded, is debatable, may itself be amended by an *amendment to the amendment*, can be reconsidered, and requires a majority vote.

The chair should allow full discussion of the amendment (being careful to restrict debate to the amendment, not the original motion) and take a vote on the amendment only, making sure everyone understands the vote is not on the main motion.

If the amendment is defeated, another amendment may be proposed, or discussion proceeds on the original motion.

An amendment to an amendment is a motion to change, to add words to, or omit words from the first amendment. This motion cannot be amended.

Sometimes a main motion is worded poorly, and several amendments may be presented to improve the wording. In such cases it is sometimes better to have a substitute motion rather than try to solve the wording problem with amendments.



# **Simplified Rules of Order**

## **Procedures Used in Meetings**

### **Debate on Motions**

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Technically, a meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. In practice, however, it is sometimes advantageous to permit limited discussion of a general topic before the motion is introduced. This discussion can sometimes lead to a properly worded motion that will indicate exactly what the group wants to do. This departure from strict parliamentary procedure must be used with caution. The chair must be careful not to let the meeting get out of control.

Normally, a member may speak only once on the same question, except for the mover of the motion, who has the privilege of “closing” the debate. If an important part of a member’s speech has been misinterpreted by a later speaker, the first speaker might speak again for clarification, but no new material should be introduced.

The member who made the motion claims the floor, even though he or she has already spoken on the question, the member is entitled to be recognized before other members.

The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If during the debate, the mover changes his or her mind, he or she can inform the meeting of the fact by asking the meetings permission to withdraw the motion.



# Order of Precedence of Motions

	Rank	Motion	May interrupt Speaker	Second Required	Debatable	Amendable	May be reconsidered	Majority required	2/3 majority required
Privileged motions	1.	Fix time to adjourn		X		X	X	X	
	2.	Adjourn		X				X	
	3.	Recess		X		X		X	
	4.	Question of privilege	X	X <sup>1</sup>	X	X	X	X	
	5.	Orders of the day	X						X <sup>2</sup>
Subsidiary motions	6.	Table		X				X	
	7.	Previous Question		X			X <sup>3</sup>		X
	8.	Limit/extend limits of debate		X		X	X		
	9.	Postpone to a certain time		X	X <sup>4</sup>		X	X <sup>5</sup>	X <sup>5</sup>
	10.	Refer		X	X <sup>6</sup>	X	X <sup>7</sup>	X	
	11.	Amend		X	X	X <sup>8</sup>	X	X	X <sup>9</sup>
	12.	Postpone indefinitely		X	X		X <sup>10</sup>	X	
	13.	Main position		X	X	X	X	X	