



## Agenda

### Redistricting Commission

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Thursday, March 18, 2021

6:00 PM

Virtual Meeting -  
<https://sanjoseca.zoom.us/j/92742607814>

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#### **\* COVID-19 NOTICE \***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council Committee meeting will not be physically open to the public and the Committee Members will be teleconferencing from remote locations.

#### **How to observe the Meeting (no public comment):**

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

**How to submit written Public Comment: 1) By email to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov) by 9:00 a.m. the day of the meeting.**

#### **How to provide spoken Public Comment during the City Council Meeting:**

- 1) By phone 888 475 4499. Webinar ID: 92742607814 Click \*9 to raise a hand to speak. Press \*6 to unmute.
- 2) By online <https://sanjoseca.zoom.us/j/92742607814>
  - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
  - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
  - c. When the Committee Chair calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
  - d. When called, please limit your remarks to the time limit allotted.

## I. Call to Order & Orders of the Day

## II. Public Record

### III. Consent Calendar

- a) [21-484](#) Approve Redistricting Commission Minutes.

**Recommendation:** Approve the minutes of February 22, 2021.

**Attachments** [Minutes 22Feb2021](#)

*Notice to the public: There will be no separate discussion of Consent Calendar as they are considered to be routine and will be adopted by one motion. If a member of the Board or Commission, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.*

### IV. Reports & Information

### V. Public Hearing

### VI. Old Business

### VII. New Business

- a) [21-485](#) Voting Procedures and Rosenberg's Rules of Order Training.

**Recommendation:** Discuss presentation by the City Clerk on Voting Procedures and Rosenberg's Rules of Order - no action.

**Attachments** [Memorandum on Commission History](#)  
[Rosenberg's Rules of Order](#)  
[Rosenberg's "Cheat Sheet"](#)

- b) [21-486](#) Overview of Redistricting Processes.

**Recommendation:** Discuss Redistricting processes and the duties of the Redistricting Commission - no action.

### VIII. Public Comment

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.*

### IX. Meeting Schedule and Agenda Items

a) [21-487](#) Discussion and Possible Action on Scheduling.

**Recommendation:** Discussion and possible action to establish a meeting schedule for the Redistricting Commission.

## X. Adjournment

**The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent services, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed online.**

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at <https://sanjose.legistar.com/Calendar.aspx>.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14th Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting. Please direct correspondence and questions to:**



# Redistricting Commission City of San José MINUTES

<https://sanjoseca.zoom.us/j/98251071920>

6:00 PM

Monday, February 22, 2021

Present: Chair- Teresa Alvarado; Members- Sylvia Alvarez, Jonathan Bruns, Enedina Cardenas, Daisy Castro, Andrew Ditlevsen, B J Fadem, Ramon Martinez (6:35 p.m.), Freddie W. Sidbury Jr., Kaitlyn Tran, Lenka Wright

Absent: None

Staff: Megan Roche, Legislative Secretary; Toni J. Taber, City Clerk; Mark Vanni, Senior Deputy City Attorney

## **I. Call to Order & Orders of the Days**

The meeting was called to order at 6:02 p.m.

### **a) Introductions—No Action**

Chair Alvarado provided an introduction, detailing the purpose of the Redistricting Commission. Commissioners introduced themselves.

## **II. Public Record- None**

## **III. Consent Calendar- None**

## **IV. Reports & Information**

### **a) Brown Act Training-no action**

The City Clerk gave a Brown Act training presentation to the Commission.

Public Comment: Blair Beekman advocated for better open public policies with respect to technology and mentioned that the “SAAG” (Station Area Advisory Group) Brown Act rules may offer a good framework for the Redistricting Commission.

## **V. Public Hearing- None**

## **VI. Old Business- None**

## **VII. New Business**

**a) Appointment of Vice-Chair-action item**

Commissioner Cardenas nominated herself for the position of Vice Chair. The nomination was seconded by Commissioner Fadem.

Action: The Commission voted unanimously to elect Commissioner Cardenas as Vice Chair. (10-0-1 Absent: Martinez)

**VIII. Public Comment**

1. Blair Beekman wished the Commission good luck and encouraged their open-minded thinking moving forward.

**IX. Meeting Schedule and Agenda Items**

**b) Set next meeting date and time-action item.**

The Commission agreed to tentatively schedule regular monthly meetings on Thursdays at 6:00 p.m., awaiting confirmation of availability from City staff.

**X. Adjournment**

The Commission adjourned at 6:43 p.m.



# Memorandum

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**TO:** REDISTRICTING COMMISSION

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT: REDISTRICTING COMMISSIONS  
APPOINTMENTS**

**DATE:** March 11, 2021

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Attached is the information memo that went to Council in October 2020. Additional information and documents can be found as part of [legislative file No. 20-1305](#) on the City's website.

TONI J. TABER, CMC  
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** Redistricting Commission

**DATE:** October 22, 2020

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## SUPPLEMENTAL MEMORANDUM

At the Rules and Open Government Committee meeting of October 14, 2020, the committee directed the City Clerk to return with an analysis of the Mayor's proposal, research on the group Common Cause, and a look at other redistricting commissions in the State of California.

### **ANALYSIS OF RECOMMENDATIONS FOR THE APPLICATION PROCESS:**

- 1. Hold an open application process: Let all San José residents apply to serve on the commission. Construct an open and public process that makes applicants' applications – their resumes and answers to short essay questions – known to the public. Create a website where members of the public can submit public comment on applications. Require councilmembers to appoint someone from the pool of people who apply from their district. • CA Common Cause can provide useful examples of applications from other city and county redistricting commissions and consult on designing the application process.*
- 2. Eliminate conflicts of interest: Prohibit the appointment of an elected official's family members, employees, current or past campaign staffers, or current or past campaign consultants; current and past candidates and officeholders; registered city lobbyists; and major campaign donors (e.g. \$500+). • CA Common Cause can provide disqualifying conflict of interest criteria from other redistricting commissions. Disqualifying conflict of interest criteria of this kind are used by the state commission and commissions in many cities and counties, including Menlo Park, Oakland, Los Angeles County, and San Diego County.*
- 3. Ensure diversity on the commission: Require elected officials to make their appointments "provisional" and public for a two-week period, so the City Clerk or City Attorney can provide an evaluation of whether the proposed appointees as a whole would compose a commission that is in fact racially/ethnically representative of the City. Require that the final appointments be made together at a noticed council meeting so that councilmembers can deliberate and make adjustments as needed to ensure diversity.*

4. *Enable public input on commissioner selections before they are final: Permit the public to comment on the proposed commissioners during this provisional period.*

In order to have a two-week review period, provisional appointments would need to be made on January 12, 2021 at the latest, with final appointment on January 26, 2021 as the City Charter requires the commission to be fully seated by February 1, 2021. Memos for January 12, 2021 meeting would need to be received prior to the furlough in order to post, so we would need the appointments by December 23, 2020. Our current application process allows for public comment on the applications after they are posted from Council as part of the agenda packet. Our application system does not allow for live application comments prior to nomination. We can work with Common Cause if they know of software that would allow for this, but that would delay the time the application period opens and reduce the length of time for applicants to apply and for Council to review and appoint.

The City Council may want to evaluate the \$500 limit for major donors, as there were 553 donors who contributed \$500 or more in the 2018 election. Additionally, clarification is needed on whether the ban on major donors would only apply to a donor contributing to the councilmember appointing him or her or to any council candidate.

The City Clerk can work with the City Manager's Office or designated staff to get accurate demographic data to provide an evaluation of the nominated list. It's important to note that the demographic data collected by applicants may be incomplete as the applicant has the option to decline to state ethnicity and gender. The final determination of the nominated list, however, should rest with the City Council.

***Recommendations for the Commission, Post-Selection:***

5. *Ban closed-door, backroom communications: Increase independence and public trust by prohibiting commissioners from having ex parte communications on redistricting. Such bans have been adopted by the state commission and by several large cities in California, such as Long Beach and Sacramento. Adopt the provisions for California's Citizens Redistricting Commission in state code section 8253.a3, which states: "Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel and consultants retained by the commission." Require all communication with commissioners concerning redistricting from elected officials to be made orally during public comment at a commission meeting or in written comment submitted to the commission and published online.*

The Mayor's proposal would limit any entity from lobbying the redistricting commission outside of a public meeting including elected officials. This would mean all correspondence as well as all oral testimony would be received by the commission during a public meeting with letters published in the agenda packet. The redistricting commission is not limited to having one meeting per month, so multiple public hearings can be scheduled to receive public input. There could also be a procedure



put in place that written correspondence that is received by the Office of the City Clerk outside the meeting schedule is posted to a public website upon receipt allowing both the public and the commission to receive the written correspondence at the same time keeping all correspondence transparent. This would assume a ban on meetings and phone calls would be in place.

Both Long Beach and Sacramento have provisions banning ex-parte communications with substantially the same language (both were passed through ballot measures)

(d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit: (1) communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.

At least three non-partisan groups all recommend a ban or severe limitation on ex-parte communication.

1. In the white paper “[Drawing Lines: A Public Interest Guide to Real Redistricting Reform](#),” a document to assist policy makers, advocates and media about how a proposal for an independent redistricting commission should look. This report states on page 16 that a commission should “Bar ex parte communications regarding redistricting except those that are exclusively between commissioners and staff” and that they should “Make available to the public all personal ex parte communication (such as email, memos, and phone calls) between commissioners and staff once the Final Plan has been proposed.” The paper was put together by Center for Governmental Studies, Demos: A Network for Ideas & Action, and the James Irvine Foundation.
2. The Brennan Center for Justice, a nonpartisan law and policy institute, [recommends](#) redistricting bodies should “Limit off-the-record communications between the redistricting authority and parties with an interest in the final plan. Discussions and negotiations regarding the redistricting process should be as public as possible. This includes not only public and community organizations, but legislators and their staff, members of congress and their staff, members of national, state and regional political parties and staff and any other entities with a clearly stated desire for a specific outcome in the final plan.”
3. In the [Activist Handbook on Redistricting](#), Common Cause states “Decision makers should not be allowed to have off-the-record communications with members of the legislature, representatives of parties or others regarding how the redistricting maps should be drawn.”

The [California Local Redistricting Project’s report “California Local Redistricting Commissions: Landscape, Considerations and Best Practices”](#) states on page 60 that “A ban on ex parte

October 20, 2020

**Subject: Redistricting Commission**

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communication promotes redistricting in full view of the public, but may impede commissioners from having conversations with community leaders or attending neighborhood meetings that might improve their understanding of community boundaries.”

The danger of ex-parte communications can be illustrated with the State of California with the City of Los Angeles’s redistricting process for the 2010 census.

On February 17, 2012, the Los Angeles Times published “[L.A.’s flawed redistricting process](#),” they noted the commission is selected by the city’s incumbent elected officials, and met numerous times in public meetings. However, the article noted that the commissioners met behind closed doors, and that public comments were organized to ensure selected people got to speak early in the meeting while others waited five hours. The Op-Ed noted that councilmembers are not held accountable because the commission is a buffer, but with communication held outside of public meetings, the councilmembers are still directing the commission.

On August 7, 2012, another [Los Angeles Times news article](#) noted that council President Herb Wesson stated that he was able to use the redistricting commission to preserve African American seats on the council. A lawsuit was filed regarding his statements (see below). His statements show that there were potential backroom deals discussed with the redistricting commission.

In 2012, [KCET](#) reported on the alleged backroom deals the Los Angeles redistricting commission made to radically shift district lines on behalf of the Council president Wesson. As reported on [citywatchla.com](#) as well as numerous other sources, A lawsuit was filed ([Lee v. City Of Los Angeles \(15-55478\)](#)) alleging the city redrew boundaries primarily for racial intent. In November 2018, the panel held that although evidence showed that race was a motivation, the record failed to show it was the main driver.

After Councilmember José Huizar was indicted in July 2020, [Los Angeles Times](#) Op-Ed stated the 2011 Los Angeles redistricting commission made backroom deals that were “used to punish enemies and reward friends and supporters” of then-Council president Herb Wesson and his allies.” They noted, one of Mr. Wesson’s allies, Councilmember Huizar was the biggest recipient of these backroom deals in that his district received a large portion of the Downtown area. The LA Times noted that high priced projects allowed Councilmember Huizar to “line his pockets” with bribes for the projects which were located in these new areas. That same article described the redistricting process in Los Angeles in 2011 which included a redistricting commission with each member appointed by Councilmember, as the San José Redistricting Commission is also structured. The Times suggested increasing transparency for 2020. Council-member Huizar was [indicted](#) on 34 charges including bribery, mail and wire fraud, extortion, interstate and foreign travel in aid of racketeering, money laundering, structuring, and obstruction of justice.

*6. Prevent interference with the commission’s work: Permit removal of a commissioner by the appointing elected official for good cause only (e.g. health problems or moving out of San Jose) and with confirmation via a majority vote of the redistricting commission.*

*7. Direct city staff to return with options for placing a charter amendment on the 2022 ballot to create an independent redistricting commission, which would adopt council district boundaries in all future redistricting cycles. Staff should work with California Common Cause to identify best practices recommendations and model charter language from other California cities.*

With the convening of a Charter Review Commission (CRC) set for next year, redistricting could be added to the commission workload. Since the CRC was created to look at forms of government in the City as well as lobbying and other items related to the elected officials, redistricting would not be too far outside the scope of the CRC.

## **REDISTRICTING IN OTHER CALIFORNIA CITIES**

**Sacramento:** The [Sacramento City Charter](#) was amended by [Measure L](#) in November 2016 to form an independent Redistricting Commission made up entirely of community members to set those boundaries in a process that is free from special interests, politics and political influence. The commission, approved by the voters of the City of Sacramento in 2016, will have 13 commissioners. Eight of the commissioners – one from each existing council district – will be selected from a pool of qualified applicants by the Sacramento Ethics Commission. Then those eight persons will then select the remaining five commissioners, plus two alternates. This commission has exclusive authority to redraw council-district boundaries, ensuring that the process is powered by the people of Sacramento.

- d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit: (1) communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements; or (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the commission functions and encouraging public participation in the redistricting process.

**San Francisco:** After the census is completed, the Charter requires the Director of Elections to determine whether the existing supervisorial districts meet the legal requirements established by federal, state and local law. If the existing supervisorial districts no longer comply with these legal requirements, the Charter requires the Board of Supervisors to convene an Elections Task Force to redraw the supervisorial district lines. The process of redrawing the supervisorial district lines is known as redistricting.

**Los Angeles:** There shall be a Redistricting Commission to advise the Council on drawing of Council district lines. The commission members shall be appointed in the following manner: one by each Council member except that the Council President shall appoint two members, three by the Mayor, one by the City Attorney, and one by the Controller. No City officer or employee shall be eligible to serve on the commission. The Redistricting Commission shall appoint a director and

other personnel, consistent with budgetary approval, which positions shall be exempt from the civil service provisions of the Charter.

[San Diego](#): The Redistricting Commission is appointed by a panel of three retired judges who served in any of the following courts: the Superior Court of the State of California, an appellate court of the State of California, or a U.S. District Court located within California. Names of the retired judges willing to serve will be submitted to the City Clerk and drawn at random by the City Clerk, using procedures for judicial nominees and appointees as set forth in the San Diego Municipal Code, following established criteria. The Appointing Authority shall attempt to appoint one commission member from each of the nine Council districts to the extent practicable, given the other requirements of this Charter Section, and considering the extent of the applicant pool and an individual's qualifications to serve. Persons who accept appointment as members of the commission, at the time of their appointment, shall file a written declaration with the City Clerk stating that within five years of the commission's adoption of a final redistricting plan, they will not seek election to a San Diego City public office. A stated goal is for the commission to make every reasonable effort to afford maximum public access to its proceedings.

[Long Beach](#): the City [Charter](#) of Long Beach was amended by [Measure DDD](#) in November 2018 to form an independent Redistricting Commission selected by the Ethics Commission. If no Ethics Commission exists they are selected by a panel consisting of one retired judge, one retired government/law/public policy professor, and one member of a non-profit with a history of good government reform in the City. If neither of the above options are available, a panel consisting of the City Clerk, City Attorney, and City Auditor shall make the selections. Long Beach also has the following provision:

(d) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone except at a public meeting or through the process established for accepting written public comment. This subsection does not prohibit: (1) communication between Commission members, staff, legal counsel, and consultants retained by the Commission that is otherwise permitted by State and City open meeting requirements; or (2) commissioners, staff, legal counsel, or consultants from engaging in public education and outreach, including explaining how the Commission functions and encouraging public participation in the redistricting process.

[Berkeley](#): On November 8, 2016, Berkeley voters approved Measure W1, amending the City's Charter to transfer responsibility for drawing electoral boundaries from the City Council to an Independent Redistricting Commission (the "Commission"). Composed of thirteen members with broad community representation, the commission will act as an independent body to engage the public and adopt an updated map of City Council district boundaries.

[Oakland](#): In November 2014, Oakland approved a ballot measure creating an Independent Redistricting Commission that will redraw district boundary lines for City Council and School Board of Directors districts. A three-member Screening Panel will review all applicants that meet the minimum qualifications. The Screening Panel will recommend a pool of 30 applicants, with at

least two applicants per existing district. The City Clerk will randomly select six names from the list and those six people will be on the Redistricting Commission. The six members will then select nine other members (seven voting members and two alternates) to join them on the Redistricting Commission. At least one member per existing district is required. The selection of the nine members will be conducted at a public meeting.

Chula Vista: Four members of the Redistricting Commissioners are appointed by the Charter Review Commission with the assistance of the City Clerk to provide a random selection of qualified applicants. The remaining members are selected by the four randomly selected members. The members of the Charter Review Commission shall not communicate with any member of the City Council, or their representatives, about any matter related to the nomination process or the applicants, prior to the swearing in of the four members.

Modesto: The commission consists of nine (9) qualified electors residing within the City and shall be appointed by the City Council pursuant to the provisions below: (A) Strong consideration shall be given to composing the commission of: (i) a retired Stanislaus County judge as chairperson; (ii) one (1) member from a bona fide local taxpayer's association with tax-exempt status under the relevant provisions of the Internal Revenue Code; (iii) one (1) member from a bona fide local nonpartisan political organization, with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government; (iv) one (1) member from a bona fide local civil rights organization with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code; (v) one (1) member from a former Civil Grand Jury who has served in that role within the previous five (5) years; (vi) additional members who have demonstrated civic involvement and a capacity to serve in an honest, independent, and impartial fashion, while upholding public confidence in the integrity of the redistricting process.

## **WHO IS COMMON CAUSE?**

Common Cause is watchdog group formed in 1970 by John W. Gardner, former Secretary of Health, Education, and Welfare in the Johnson administration, and chair of the National Urban Coalition as the People's Lobby. ([Common Cause website](#)) Their Mission Statement is "Common Cause is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy. We work to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process." ([Common Cause website](#))

Capital Research Center's [Influence Watch](#) website (a conservative/libertarian non-profit) states that Common Cause is a "progressive advocacy group focusing on campaign finance law, so-called 'fair redistricting,' and general liberal policy." [Mediabiasfactcheck.com](#) states Common Cause has a "left-center bias" but also noted "the information found on Common Cause is factually sourced to credible sources and minimal loaded words are used."

In California, Common Cause states it is “dedicated to building a democracy that includes everyone. We work on voting rights, redistricting reform, government transparency, and money in politics to end structural inequities in our state and local democracies and to create governments at all levels that are accountable to and reflective of California's communities.”

The [core campaigns](#) for California Common Cause are:

- Ethics & Accountability
- Money & Influence
- Gerrymandering & Representation
- Voting & Elections
- Media & Democracy
- Constitution, Courts, & Other Democracy Issues

California Common Cause has published a list of their [redistricting principles](#).

1. Full and accurate counts of all communities;
2. Improved Census outreach and data collection;
3. Elimination of prison gerrymandering;
4. Protection of racial minorities;
5. Strong consideration of communities of interest;
6. Open and accessible meetings of decision-makers;
7. Outreach to communities and access to redistricting tools to allow meaningful participation;
8. Decision-makers who reflect the diversity of the population being redistricted and disclosure of potential conflicts of interest;
9. Clear and evenly applied rules for disclosure of relationships between decision-makers and non-decision-making participants; and
10. Access to information about any non-public discussions of redistricting between decision-makers.

Endorsing organizations include:

- Advancement Project
- American Civil Liberties Union (ACLU)
- Asian American Legal Defense and Education Fund (AALDEF)
- Asian Americans Advancing Justice (AAJC)
- Brennan Center for Justice
- Campaign Legal Center
- CHANGE Illinois
- Common Cause
- Demos
- Lawyers' Committee for Civil Rights Under Law

- Lawyers' Committee for Civil Rights of the San Francisco Bay Area Latino Justice PRLDEF
- Mexican American Legal Defense and Educational Fund (MALDEF)
- NAACP LDF
- NALEO Educational Fund
- Prison Policy Initiative
- Sierra Club
- Southern Coalition for Social Justice

The [State Advisory Board for California Common Cause](#) is:

- Mindy Romero, chair. Ms. Romero is the founder and director of the California Civic Engagement Project (CCEP). She currently serves as President of the Board of Mutual Housing California, and is a member of the Social Service Commission for the City of Davis. Romero is a political sociologist and holds a Ph.D. in Sociology from UC Davis. Her scholarly work focuses on the intersection of political behavior and race/ethnicity/age.
- Dr. Sam Blakeslee, Vice-Chair. Dr. Blakeslee is a former Assemblymember and State Senator and founded the Institute for Advanced Technology and Public Policy at Cal Poly San Luis Obispo. In 2016 Sam served as co-proponent with Charles Munger Jr. to pass Proposition 54, a Constitutional Amendment that brought transparency to the CA State Legislature.
- Brian Brennan is Senior Vice President at the Silicon Valley Leadership Group. Brian has a Ph.D. in comparative government from the University of Oxford, where he studied electoral accountability in California's special districts, and related degrees from Princeton and Stanford.
- Mary Elizabeth Hanna-Weir is a senior attorney at the U.S. Department of Education, Office of Civil Rights and currently serves on the board on the American Constitution Society and Lutheran Outdoor Ministries of Northern CA.
- Norman Kline is the CEO and founder of LibraryWorld, Inc., an Internet library automation company. He has formally served on the San Jose Planning Commission, Chair of the Valley Medical Center Foundation, Board Member on the Silicon Valley Leadership Group Foundation, Board member on the Guadalupe River Park Conservancy, Council and as Mayor of the City of Saratoga and Chair of the City of Santa Clara Planning Commission.
- Zabrael Valentine. Since 2016, Ms. Valentine has convened and facilitated the Economic Mobility Collaborative, a multi-partisan group of policy and political leaders who believe current barriers to economic security in CA present a critical threat to the state's future both economically and socially, and who want to accelerate change that enables all Californians to be secure, feel valued, and thrive. She serves on the Oakland Go Public Schools Advisory Board.
- Gary Ferdman. Along with his wife, Myriam Miedzien, Mr. Ferdman founded Monumental Women, creators of the first state of real women in New York's Central Park. Additionally,

He founded Business Leaders for Sensible Priorities/TrueMajority with Ben Cohen of Ben & Jerry's. Mr. Ferdman served on the boards of The Shalom Center, Morningside Center for Teaching Social Responsibility, Nuclear Information and Resource Service, Peace Action and Prepare Tomorrow's Parents, and volunteers with the California Women's Museum.

- Hinnaneh Qazi is an analyst at the California Department of Finance. Prior to her work at the Department of Finance, Ms. Qazi served as a consultant for the California Health in All Policies Task Force, analyzing racial and gender pay inequities across the state's civil service workforce. Hinnaneh also previously worked for the Berkeley Institute for the Future of Young Americans, where she conducted research exploring the rise of anxiety disorder among young adults.
- James Woodson is the Policy and Strategic Projects Manager at California Calls Education Fund. He manages California Calls' work around the 2020 census, redistricting, and the Voters Choice Act. He is a member of the Secretary of State's VCA Task Force as well as the Voters Choice Los Angeles Steering Committee. He is also on the leadership team of the Black Census and Redistricting Hub. James served in a variety of capacities within the Democratic National Committee, the NJ Democratic State Committee, Obama For America, and the NJ Health Care for America Now campaign. James is a licensed attorney in the states of New Jersey and New York. He served as co-Counsel for the New Jersey Congressional Redistricting Commission in 2012. In addition, James was the Founding Director of the Friendship Development Corporation.

Full biographies of the [State Advisory Board for California Common Cause](#) can be found on their website.

The Common Cause Executive Director is [Jonathan Mehta Stein](#). Mr. Stein became the Executive Director of California Common Cause on May 1, 2020, after 10 years on the California Common Cause Board of Directors and four years as Board Chair. Jonathan previously spent four years as the head of the Voting Rights & Census Program at Asian Americans Advancing Justice – Asian Law Caucus. His work at AAAJ-ALC included California's passage of the strongest state-level law in the nation ensuring language access in voting, multiple appellate litigation wins that expanded access to democracy for communities of color, five poll monitoring programs including the nation's largest in November 2016, and several community organizing campaigns that won better election systems at the local level for historically disenfranchised communities.

The Common Cause Organizer working in the Silicon Valley is [Helen Grieco](#). Ms. Grieco was the founder BRAVE People and is a former executive director of the California National Organization for Women. She leads educational events, lobbying campaigns and actions to address campaign finance reform, government accountability, voting rights/reform, redistricting, media reform, fair elections campaigns, legislation and ballot initiatives.

Additional resources reviewed but not quoted above:



HONORABLE MAYOR AND CITY COUNCIL

October 20, 2020

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- William and Mary Law Review, *Redistricting and Transparency*  
<https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3753&context=wmlr>
- League of Women Voters, *When People Draw the Lines*.  
<https://cavotes.org/sites/default/files/jobs/RedistrictingCommission%20Report6122013.pdf>



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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## ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn <small>not required at end of agenda</small>	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege" <small>not to be used to insert unagendized items into meeting</small>	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate <small>"Call to question"</small>	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion <small>council often uses the "friendly amendment"</small>	"I move that this motion be amended by..." <small>"I'd like to suggest a friendly amendment."</small>	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion) <small>only on agendized items. No new businesses can be added by motion due to Brown Act</small>	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront <small>Generally, a point of order must be raised at the time the rules are broken or else it would be too late</small>	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house" <small>this is a physical dividing by vote, so you stand to vote Aye or move to one side of the room.</small>	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter <small>This would mostly be used if someone is making a motion that would violate the Brown Act or is irrelevant to the agendized topics.</small>	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled <small>you can't do this unless the item is agendized, in which case, this motion is not needed. you will not need this.</small>	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of <small>Only a member of the prevailing side can make a motion to reconsider. clerk within 3 days of the meeting.</small>	"I move we now (or later) reconsider our action relative to..." <small>must be made at the meeting, or notice given to the clerk within 3 days of the meeting.</small>	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..." <small>the City Council Chair will often do this without a vote. Generally do this at Orders of the Day</small>	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

## PROCEDURE FOR HANDLING A MAIN MOTION

**NOTE:** Nothing goes to discussion without a motion being on the floor.

### Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

In the City Council, staff presentation, public comment and Council discussion occur without a motion on the floor. You can discuss the item without a motion. Because the Brown Act requirements are so clear as to what is being discussed, this RRO rule is not needed.

### How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion or I second it or second.*
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

### Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

### The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

### The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

### WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

# HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

## MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that \_\_\_\_\_."

**AMENDING A MOTION** You can also ask for a friendly amendment which is less formal and most often used by the City Council. Both Mover and Seconder must concur.

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, \_\_\_\_\_, and adding in their place the following words \_\_\_\_\_."

## REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

## POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until \_\_\_\_\_."

**PREVIOUS QUESTION** The City Council often says "Call to Question."

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

## LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker." In the City of San Jose, the Chair has this discretion without a motion being needed.

## RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

## ADJOURNMENT

once the agenda items have been completed, the Chair may adjourn without a motion.

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

## PERMISSION TO WITHDRAW A MOTION

in San Jose, you can just state "I withdraw my motion." No permission is needed.

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

## POINT OF PERSONAL PRIVILEGE

this is not to add new items to the meeting, but to respond to an urgent, usually environmental, situation.

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

## POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

RRO is used to facilitate a meeting, not to stop discussion. Brown Act and State law take precedence over RRO. If motion to accept the agenda is missed, it does not negate the actions taken at the meeting.