



2012

Planning Commission Meeting

May 9, 2012

Work Session **5:30 p.m.**
(Gemini Gardens 155 Main Street)

Regular Session: **6:30 p.m.**
(Town Hall)

Council Goals

Top Council Priorities:

- **Street Repairs and Drainage Improvements**
- **Sidewalk Installations**
- **Improve Planning and Apply for Infrastructure Grants and Loans**
- **Implement Streetscape Plan**
- **Strengthen Marketing and Events**
- **Clean UP Parking Area on North Taylor Street**

Town of Minturn

Planning Commission Agenda May 9, 2012

Work Session – 5:30 p.m.
Gemini Gardens 155 Main St.

Regular Session – 6:30 p.m.
Minturn Town Hall – 302 Pine Street

Call to Order/Roll Call

Approval of Agenda Items

- a. Items to be pulled from Action Items
- b. Emergency Items to be added
- c. Order of the Agenda Items
- d. Approval of the agenda

Approval of Minutes

Planning Commission meeting minutes from March 14, 2012
Planning Commission meeting minutes from April 11, 2012

Public Comment

Members of the public may have 5 minutes to comment on any item they wish that is not on the agenda

Action Items

1. None

Discussion Items

1. Building Height Definition Revision
2. Robert's Rules of Order

Planning Department Update

Commissioner Comments

Adjournment

Town of Minturn

Planning Commission Agenda April 11, 2012

Regular Session – 6:30 p.m.
Minturn Town Hall – 302 Pine Street

Call to Order/Roll Call

The meeting was called to order by Vice-Chair Lynn Teach at 6:37.

Members Present: Lynn Teach, Vice – Chair
Melissa Decker
Tim Osborne
Burke Harrington

Members Absent: Bobby Head

Staff Present: Chris Cerimele, Town Planner

Approval of Agenda Items

Vice-Chair Teach asked if there were any changes to the agenda. None were noted.

A motion to approve the agenda as presented was made by M. Decker. B. Harrington seconded the motion. The motion passed 4-0.

Approval of Minutes

Planning Commission meeting minutes from March 14, 2012

The approval of the 3.14.12 minutes was tabled until May 5, 2012.

Public Comment

None

Action Items

1. Appoint Planning Commission Chair and Vice-Chair

M. Decker made a motion to nominate Lynn Teach as the Chairperson of the Planning Commission. B. Harrington seconded the motion. The motion passed 4-0.

L. Teach made a motion to appoint Tim Osborne as the Vice-Chairperson of the Planning Commission. M. Decker seconded the motion. The motion passed 4-0.

Discussion Items

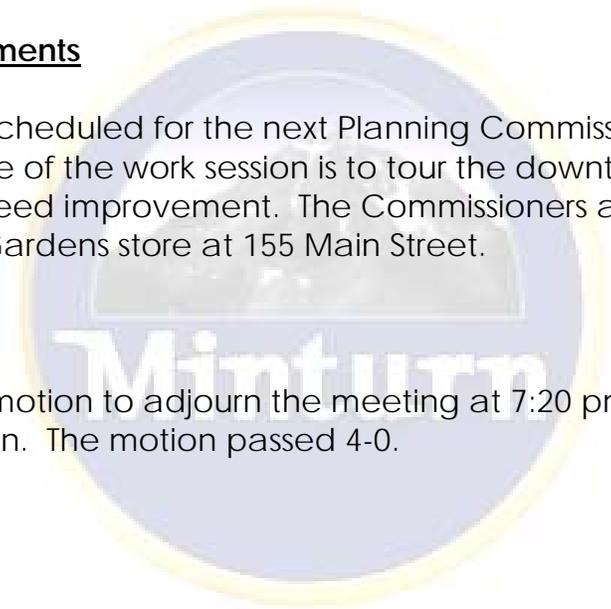
1. Future Land Use Code Amendments

Commissioner Comments

A work session was scheduled for the next Planning Commission meeting on May 9th. The purpose of the work session is to tour the downtown area and identify areas that need improvement. The Commissioners agreed to meet at 5:30 at the Gemini Gardens store at 155 Main Street.

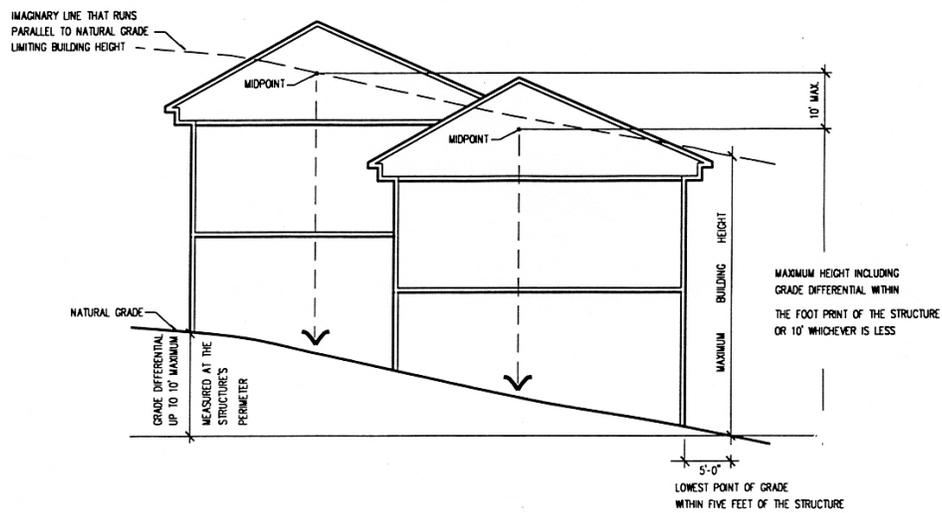
Adjournment

M. Decker made a motion to adjourn the meeting at 7:20 pm. T. Osborne seconded the motion. The motion passed 4-0.

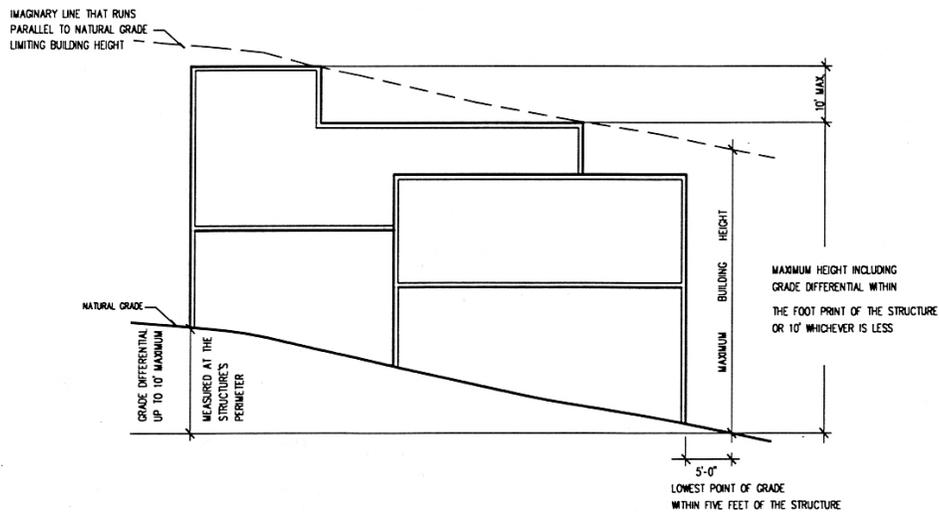


STEPPED OR TERRACED BUILDINGS

The building height of a stepped or terraced building on a lot with an average slope in excess of fifteen (15) percent shall be measured as the maximum height of any building segment from natural or finished grade (whichever is more restrictive) at any point directly above that grade location. A building segment is a portion of the building that contains one-third of that building elevation being measured. A stepped or terraced structure shall not exceed the maximum height of the underlying zone district, plus, either (a) the maximum grade differential to the lowest point of grade within five (5) feet of the structure or (b) ten (10) feet, whichever is less.

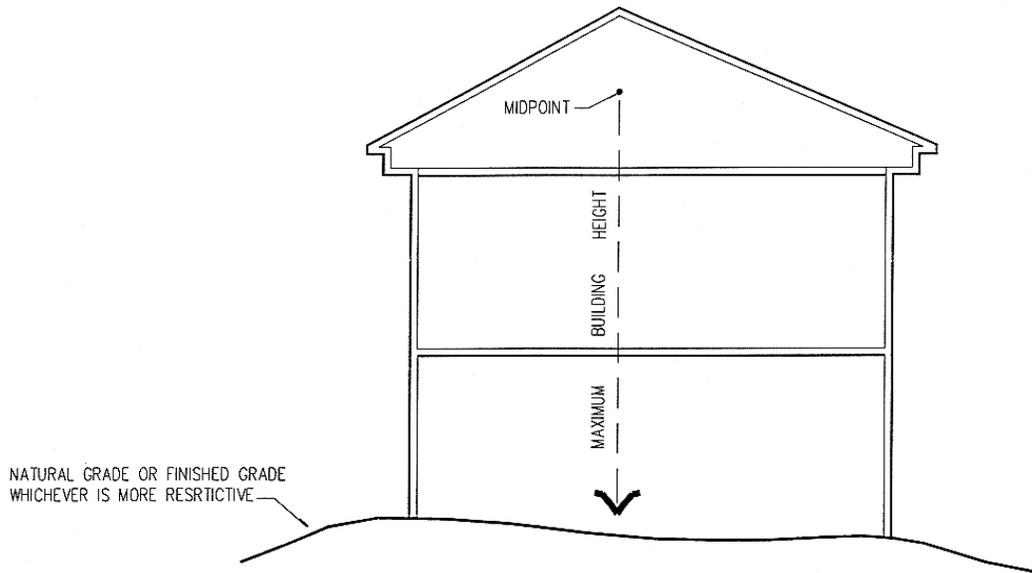


FLAT ROOF STRUCTURES

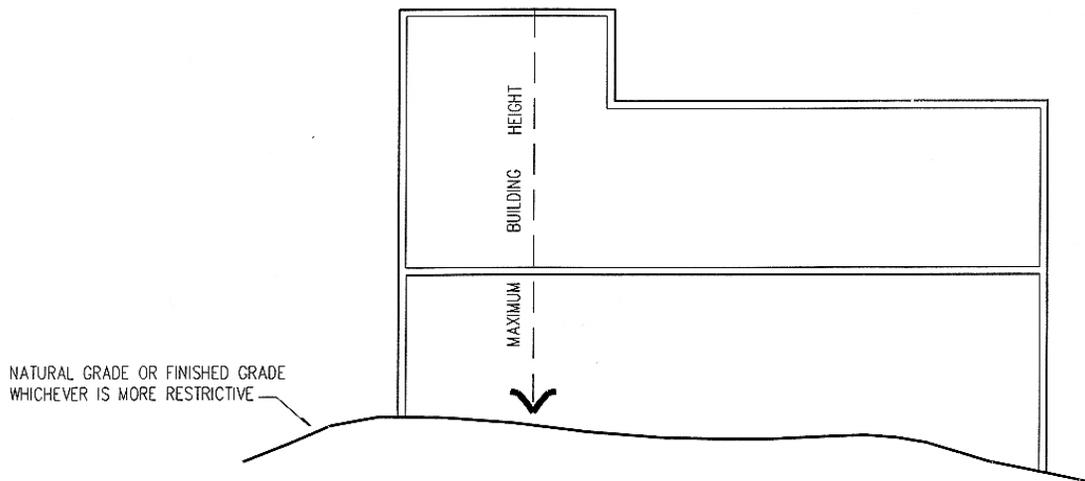


BUILDING HEIGHT CALCULATIONS FOR LOTS HAVING AN AVERAGE SLOPE OF LESS THAN THIRTY (30) PERCENT.

Building height means the distance measured vertically on all sides of a structure, from the natural or finished grade (whichever is more restrictive) of any given point to a point directly above that location that is: (a) the top of a flat roof, or mansard roof; or (b) the midpoint between the eave line and the peak of a gable, gambrel, hip or shed or similar pitched roof; or (c) the peak of any roof that exceeds a slope of a twelve to twelve (12:12).

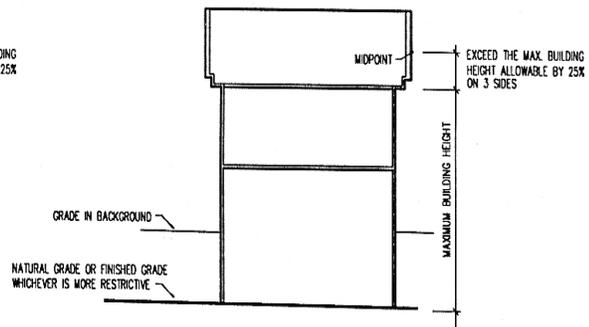
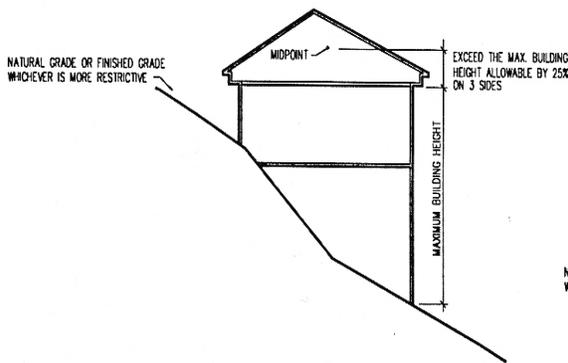


FLAT ROOF STRUCTURES

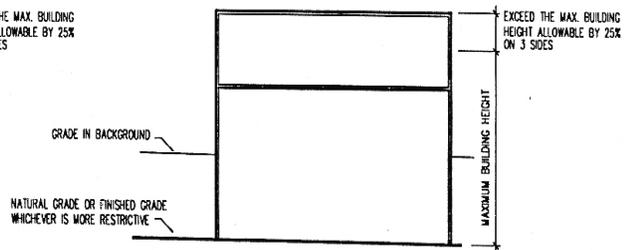
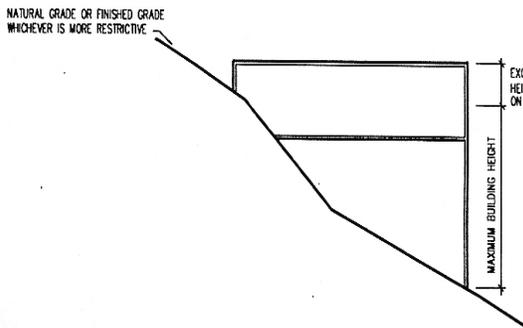


BUILDING HEIGHT CALCULATIONS FOR LOTS HAVING AN AVERAGE SLOPE OF THIRTY (30) PERCENT OR GREATER.

Building height means the distance measured vertically on all sides of a structure, from the natural or finished grade (whichever is more restrictive) at any give point to a point directly above that location that is: (a) the top of a flat roof, or mansard roof; or (b) the midpoint between the eave line and the peak of a gable, gambrel, hip, shed or similar pitched roof; or (c) the peak of any roof that exceeds a slope of a twelve to twelve (12:12). The measurement of three (3) sides may exceed the maximum building height allowable for the zone district in which the building is located by a maximum of twenty-five (25) percent.

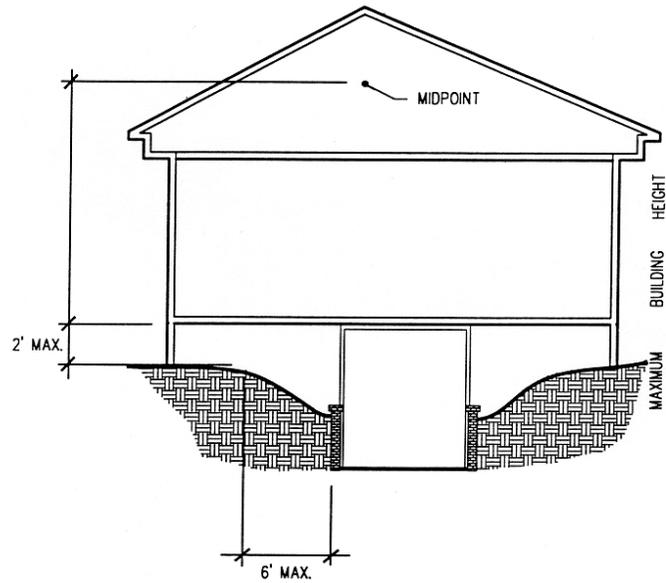


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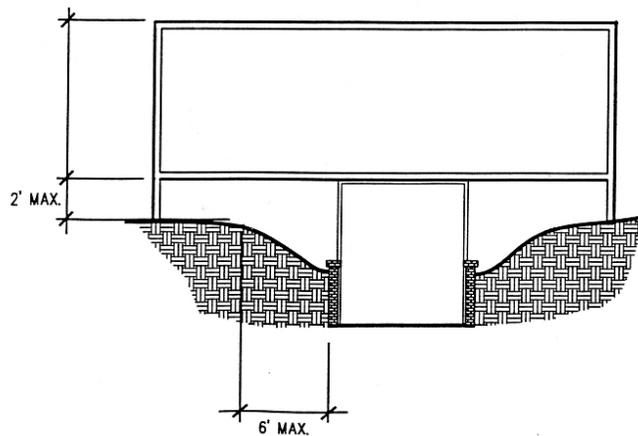


BUILDING HEIGHT CALCULATIONS FOR BUILDINGS INCORPORATING UNDERGROUND PARKING

For buildings incorporating underground parking, height shall be measured using the applicable definition above, provided, that for portions of the structure where the vertical distance between the top of the foundation wall and grade is more than twenty-four (24) inches and this portion of the structure has an opening exclusively for vehicle access, the grade within six (6) feet of that opening shall be used to determine building height. The opening for vehicular access shall not exceed a maximum width of sixteen (16) feet for multi-family residential uses, twenty (20) feet for commercial uses and twenty five feet for industrial uses. There shall be a maximum of two (2) such openings per building.



FLAT ROOF STRUCTURES



Robert's Rules of Order

www.robertsrules.org

Introduction to Robert's Rules of Order

from: <http://www.robertsrules.org/rulesintro.htm>

1. What is Parliamentary Procedure?
 2. Why is Parliamentary Procedure Important?
 3. Example of the Order of Business
 4. Motions
 5. Types of Motions
 6. How are Motions Presented?
 7. Voting on a Motion
-

1. What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

2. Why Is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

3. Example of the Order of Business

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers reports.
5. Committee reports.
6. Special orders --- Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

4. Motions

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

5. There are four Basic Types of Motions:

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
3. **Privileged Motions:** Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. **Incidental Motions:** Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

6. How are Motions Presented?

1. **Obtaining the floor**
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - c. Wait until the Chairman recognizes you.
2. **Make Your Motion**
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
 - c. Avoid personalities and stay on your subject.
3. **Wait for Someone to Second Your Motion**
4. **Another member will second your motion or the Chairman will call for a second.**
5. **If there is no second to your motion it is lost.**
6. **The Chairman States Your Motion**
 - a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. **Expanding on Your Motion**
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.

- e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. Putting the Question to the Membership
 - a. The Chairman asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

7. Voting on a Motion:

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. By Voice -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. By Roll Call -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
3. By General Consent -- When a motion is not likely to be opposed, the Chair man says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. By Division -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. By Ballot -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.
Most importantly, *BE COURTEOUS.*

Robert's Rules of Order

www.robertsrules.org

Robert's Rules of Order - Summary Version

For Fair and Orderly Meetings & Conventions

Provides common rules and procedures for deliberation and debate in order to place the whole membership on the same footing and speaking the same language. The conduct of ALL business is controlled by the general will of the whole membership - the right of the deliberate majority to decide. Complementary is the right of at least a strong minority to require the majority to be deliberate - to act according to its considered judgment AFTER a full and fair "working through" of the issues involved. Robert's Rules provides for constructive and democratic meetings, to help, not hinder, the business of the assembly. Under no circumstances should "undue strictness" be allowed to intimidate members or limit full participation.

The fundamental right of deliberative assemblies require all questions to be thoroughly discussed before taking action!

The assembly rules - they have the final say on everything!
Silence means consent!

- Obtain the floor (the right to speak) by being the first to stand when the person speaking has finished; state Mr./Madam Chairman. Raising your hand means nothing, and standing while another has the floor is out of order! Must be recognized by the Chair before speaking!
- Debate can not begin until the Chair has stated the motion or resolution and asked "are you ready for the question?" If no one rises, the chair calls for the vote!
- Before the motion is stated by the Chair (the question) members may suggest modification of the motion; the mover can modify as he pleases, or even withdraw the motion without consent of the seconder; if mover modifies, the seconder can withdraw the second.
- The "immediately pending question" is the last question stated by the Chair!
Motion/Resolution - Amendment - Motion to Postpone
- The member moving the "immediately pending question" is entitled to preference to the floor!
- No member can speak twice to the same issue until everyone else wishing to speak has spoken to it once!
- All remarks must be directed to the Chair. Remarks must be courteous in language and deportment - avoid all personalities, never allude to others by name or to motives!
- The agenda and all committee reports are merely recommendations! When presented to the assembly and the question is stated, debate begins and changes occur!

The Rules

- **Point of Privilege:** Pertains to noise, personal comfort, etc. - may interrupt only if necessary!

- **Parliamentary Inquiry:** Inquire as to the correct motion - to accomplish a desired result, or raise a point of order.
- **Point of Information:** Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- **Orders of the Day (Agenda):** A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules).
- **Point of Order:** Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made.
- **Main Motion:** Brings new business (the next item on the agenda) before the assembly.
- **Divide the Question:** Divides a motion into two or more separate motions (must be able to stand on their own).
- **Consider by Paragraph:** Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.
- **Amend:** Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions.
- **Withdraw/Modify Motion:** Applies only after question is stated; mover can accept an amendment without obtaining the floor.
- **Commit /Refer/Recommit to Committee:** State the committee to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- **Extend Debate:** Applies only to the immediately pending question; extends until a certain time or for a certain period of time.
- **Limit Debate:** Closing debate at a certain time, or limiting to a certain period of time.
- **Postpone to a Certain Time:** State the time the motion or agenda item will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.
- **Lay on the Table:** Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending.
- **Take from the Table:** Resumes consideration of item previously "laid on the table" - state the motion to take from the table.
- **Reconsider:** Can be made only by one on the prevailing side who has changed position or view.
- **Postpone Indefinitely:** Kills the question/resolution for this session - exception: the motion to reconsider can be made this session.
- **Previous Question:** Closes debate if successful - may be moved to "Close Debate" if preferred.
- **Informal Consideration:** Move that the assembly go into "Committee of the Whole" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- **Appeal Decision of the Chair:** Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business.
- **Suspend the Rules:** Allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified.

Robert's Rules of Order Motions Chart

Based on Robert's Rules of Order Newly Revised (10th Edition)

from: <http://www.robertsrules.org/motions.htm>

Part 1, Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

	assembly (a main motion)						
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Part 2, Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

Part 3, Motions That Bring a Question Again Before the Assembly.

No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

Frequently Asked Questions

from: <http://www.robertsrules.com/faq.html>

CAUTION: THE ANSWERS GIVEN HERE TO THE QUESTIONS PRESENTED ARE BASED UPON THE RULES CONTAINED IN *ROBERTS RULES OF ORDER NEWLY REVISED*. THESE RULES ARE, IN EFFECT, DEFAULT RULES; THAT IS TO SAY, THEY GOVERN ONLY IF THERE ARE NO CONTRARY PROVISIONS IN ANY FEDERAL, STATE OR OTHER LAW APPLICABLE TO THE SOCIETY, OR IN THE SOCIETY'S BYLAWS, OR IN ANY SPECIAL RULES OF ORDER THAT THE SOCIETY MAY HAVE ADOPTED. THIS FACT MUST ALWAYS BE KEPT IN MIND WHEN READING ANY OF THE ANSWERS GIVEN.

The questions in this chapter are based on queries repeatedly received on the Question and Answer Forum. Questions 1 through 20 derive from *Robert's Rules of Order Newly Revised In Brief*.

1. [Is it true that the president can vote only to break a tie?](#)
2. [Can ex-officio members vote, and are they counted in determining whether a quorum is present?](#)
3. [Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?](#)
4. [In determining the result of a vote, what constitutes a majority?](#)
5. [Can we round to the nearest number in computing the result of a vote?](#)
6. [Do abstention votes count?](#)
7. [What is a vote of no confidence?](#)
8. [How do you deal with a "friendly amendment"?](#)
9. [Isn't it true that a member who has a conflict of interest with respect to a motion cannot vote on the motion?](#)
10. [Should proxy votes be counted?](#)
11. [Must debate on a motion stop immediately as soon as any member calls the question?](#)
12. [Isn't it always in order to move to table a motion to the next meeting?](#)
13. [Can something be defeated by adopting a motion to table it?](#)
14. [How can I get an item on the agenda for a meeting?](#)
15. [Isn't it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete?](#)
16. [If minutes of a previous meeting are corrected, are the corrections entered in the minutes of the meeting at which the corrections were made?](#)
17. [Can votes be taken in an executive session?](#)
18. [Is it possible to withdraw a resignation after it has been submitted?](#)
19. [Can we hold our board meetings by conference telephone call?](#)
20. [How can we get rid of officers we don't like before their term is up?](#)

Question 1:

Is it true that the president can vote only to break a tie?

Answer:

No, it is not true that the president can vote only to break a tie. If the president is a member of the assembly, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, speak in debate and to vote on all questions.

However, the impartiality required of the presiding officer of an assembly (especially a large one) precludes exercising the right to make motions or debate while presiding, and also requires refraining from voting except (i) when the vote is by ballot, or (ii) whenever his or her vote will affect the result.

When will the chair's vote affect the result? On a vote which is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the president can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds. [RONR (10th ed.), p. 392-93; see also Table A, p.190 of *RONR In Brief*.]

Question 2:

Can ex-officio members vote, and are they counted in determining whether a quorum is present?

Answer:

"Ex officio" is a Latin term meaning "by virtue of office or position." Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (except the nominating committee); and
2. If the ex-officio member is not a member, officer, or employee of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote. [RONR (10th ed.), p. 466-67; p. 480, l. 18-27.]

Question 3:

Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

Answer:

No. Once a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present. If the chair notices the absence of a quorum, he or she should declare this fact, at least before taking any vote or stating the question on any new motion. Any member

noticing the apparent absence of a quorum can and should make a *Point of Order* to that effect whenever another person is not speaking. It is dangerous to allow the transaction of substantive business to continue in the absence of a quorum. Although a *Point of Order* relating to the absence of a quorum is generally not permitted to affect prior action, if there is clear and convincing proof no quorum was present when business was transacted, the presiding officer can rule that business invalid (subject to appeal). [RONR (10th ed.), p. 337-38; see also p. 12-13 of *RONR In Brief*.]

Question 4:

In determining the result of a vote, what constitutes a majority?

Answer:

The word "majority" in this context means, simply, *more than half*. The use of any other definition, such as 50 percent plus one, is apt to cause problems. Suppose in voting on a motion 17 votes are cast, 9 in favor and 8 opposed. Fifty percent of the votes cast is 8 1/2, so that 50 percent plus one would be 9 1/2. Under such an erroneous definition of a majority, one might say that the motion was not adopted because it did not receive fifty percent plus one of the votes cast, although it was, quite clearly, passed by a majority vote. [RONR (10th ed.), p. 387; see also p. 66 of *RONR In Brief*.]

Question 5:

Can we round to the nearest number in computing the result of a vote? For example, since two thirds of 101 is 67.3333, will 67 affirmative votes out of 101 votes cast meet the requirement of a two-thirds vote?

Answer:

No. The requirement of a two-thirds vote means at least two thirds. As a consequence, nothing less will do. If 101 votes are cast, 67 affirmative votes are not at least two thirds. It is less than two thirds, and will not suffice. [RONR (10th ed.), p. 388.]

Question 6:

Do abstention votes count?

Answer:

The phrase "abstention votes" is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an "abstention vote."

In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members present, or a majority or two thirds of the entire membership, an abstention will have the same effect as a "no" vote. Even in such a case, however, an abstention is not a vote. [RONR (10th ed.), p. 387, l. 7-13; p. 388, l. 3-6; p. 390, l. 13-24; see also p.66 of *RONR In Brief*.]

Question 7:

What is a vote of no confidence?

Answer:

The term "vote of no confidence" is not used or defined anywhere in [RONR](#), and there is no mention of any motion for such a vote. However, this does not mean that an assembly cannot adopt a motion, if it wishes, expressing either its confidence or lack of confidence in any of its officers or subordinate boards or committees. Any such motion would simply be a main motion, and would have no effect other than to express the assembly's views concerning the matter. A vote of "no confidence" does not - as it would in the British Parliament - remove an officer from office.

Question 8:

How do you deal with a "friendly amendment"?

Answer:

On occasion, while a motion is being debated, someone will get up and offer what he or she terms a "friendly amendment" to the motion, the maker of the original motion will "accept" the amendment, and the chair will treat the motion as amended. This is wrong. Once a motion has been stated by the chair, it is no longer the property of the mover, but of the assembly. Any amendment, "friendly" or otherwise, must be adopted by the full body, either by a vote or by unanimous consent.

If it appears to the chair that an amendment (or any other motion) is uncontroversial, it is proper for the chair to ask if there is "any objection" to adopting the amendment. If no objection is made, the chair may declare the amendment adopted. If even one member objects, however, the amendment is subject to debate and vote like any other, regardless of whether its proposer calls it "friendly" and regardless of whether the maker of the original motion endorses its adoption. [[RONR](#) (10th ed.), p. 154.]

Question 9:

Isn't it true that a member who has a conflict of interest with respect to a motion cannot vote on the motion?

Answer:

Under the rules in [RONR](#), no member can be compelled to refrain from voting simply because it is perceived that he or she may have some "conflict of interest" with respect to the motion under consideration. If a member has a direct personal or pecuniary (monetary) interest in a motion under consideration not common to other members, the rule in [RONR](#) is that he *should not* vote on such a motion, but even then he or she cannot be *compelled* to refrain from voting. [[RONR](#) (10th ed.), p. 394, l. 15-25.]

Question 10:

Should proxy votes be counted?

Answer:

A "proxy" is a means by which a member who expects to be absent from a meeting authorizes someone else to act in his or her place at the meeting. Proxy voting is not permitted in ordinary deliberative assemblies unless federal, state or other laws applicable to the society require it, or the bylaws of the organization authorize it, since proxy voting is incompatible with the essential characteristics of a deliberative assembly. As a consequence, the answers to any questions concerning the correct use of proxies, the extent of the power conferred by a proxy, the duration, revocability, or transferability of

proxies, and so forth, must be found in the provisions of the law or bylaws which require or authorize their use. [RONR (10th ed.), p. 414-15.]

Question 11:

Must debate on a motion stop immediately as soon as any member calls the question?

Answer:

It is a fairly common misconception that, after debate has continued for some time, if any member shouts out "Question!" or "I call the question!", debate must immediately cease and the chair must put the pending question to a vote. This is simply not the case. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair, and must then move the *Previous Question*. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of "Question" or "Call the Question," and even if no one is speaking, it is still necessary to seek recognition. [RONR (10th ed.), p. 193-94; see also p 35-37 of *RONR In Brief*.]

Question 12:

Isn't it always in order to move to table a motion to the next meeting?

Answer:

This question confuses the motion to *Lay on the Table* with the motion to *Postpone to a Certain Time*. The purpose of the motion to *Lay on the Table* is to enable an assembly, by majority vote and without debate, to lay a pending question aside temporarily in order to take up something else of immediate urgency. In ordinary societies it is rarely needed, and hence seldom in order. [RONR (10th ed.), p. 201-210; see also p. 127 of *RONR In Brief*.]

Question 13:

Can something be defeated by adopting a motion to table it?

Answer:

This is a common violation of fair procedure. Such a motion is not in order, because it would permit debate to be suppressed by a majority vote, and only a two-thirds vote can do that. The proper use of the motion to *Lay on the Table* is stated in the answer to Question 12, immediately above. [RONR (10th ed.), p. 207-209.]

How can something be defeated without a direct vote on it?

Before debate on an original (ordinary substantive) main motion has begun you may raise an *Objection to Consideration of [the] Question*, which is undebatable and can suppress the main question by a two-thirds vote against consideration. [RONR (10th ed.), p. 209, l. 1-4; p. 258-61; see also p. 129 of *RONR In Brief*.]

If debate on the main motion has begun and you want to get rid of that motion without a direct vote on it, use the motion to *Postpone Indefinitely*. That motion requires only a majority vote, but until it is adopted, it leaves the main question open to debate. [RONR (10th ed.), p. 121-24; see also p. 126 of *RONR In Brief*.] If you feel that it is undesirable that debate take place, move the *Previous Question* immediately after moving to *Postpone*.

Indefinitely. If adopted by a two-thirds vote, this motion will cause an immediate vote on the motion to *Postpone Indefinitely* without further debate. [[RONR](#) (10th ed.), p. 189-201.]

Question 14:

How can I get an item on the agenda for a meeting?

Answer:

For a proposed agenda to become the official agenda for a meeting, it must be adopted by the assembly at the outset of the meeting. At the time that an agenda is presented for adoption, it is in order for any member to move to amend the proposed agenda by adding any item which the member desires to add, or by proposing any other change.

It is wrong to assume, as many do, that the president "sets the agenda." It is common for the president to prepare a proposed agenda, but that becomes binding only if it is adopted by the full assembly, perhaps after amendments as just described. [[RONR](#) (10th ed.), p. 363, l. 8-20; see also p. 16 of [RONR In Brief](#).]

Question 15:

Isn't it necessary to summarize matters discussed at a meeting in the minutes of that meeting in order for the minutes to be complete?

Answer:

Not only is it not necessary to summarize matters discussed at a meeting in the minutes of that meeting, it is improper to do so. Minutes are a record of what was done at a meeting, not a record of what was said. [[RONR](#) (10th ed.), p. 451, l. 25-28; see also p. 146 of [RONR In Brief](#).]

Question 16:

If minutes of a previous meeting are corrected, are the corrections entered in the minutes of the meeting at which the corrections were made?

Answer:

If corrections to minutes are made at the time when those minutes are originally submitted for approval, such corrections are made in the text of the minutes being approved. The minutes of the meeting at which the corrections are made should merely indicate that the minutes were approved "as corrected."

If it becomes necessary to correct minutes after they have initially been approved, such correction can be made by means of the motion to *Amend Something Previously Adopted*. In this event, since the motion to *Amend Something Previously Adopted* is a main motion, the exact wording of that motion, whether adopted or rejected, should be entered in the minutes of the meeting at which it was considered. [[RONR](#) (10th ed.), p. 452, l. 12-15; p. 458, l. 10-16; see also p.151 of [RONR In Brief](#).]

Question 17:

Can votes be taken in an executive session?

Answer:

Yes, votes can be taken in executive session. Proceedings in an executive session are secret, but are not restricted in any other way. [[RONR](#) (10th ed.), p. 92-93.]

Question 18:

Is it possible to withdraw a resignation after it has been submitted?

Answer:

A resignation is a *Request to Be Excused from a Duty*. It may be withdrawn in the same manner as any motion may be withdrawn - that is to say, before the proposed resignation has been placed before the assembly by the chair stating the question on its acceptance, it may be withdrawn without the consent of the assembly, but it may not be withdrawn without permission of the assembly once it has been placed before the assembly for its approval.

[[RONR](#) (10th ed.), p. 277-80; 283-85.]

Question 19:

Can we hold our board meetings by conference telephone call?

Answer:

You may hold board meetings by conference telephone call only if your bylaws specifically authorize you to do so. If they do, such meetings must be conducted in such a way that all members participating can hear each other at the same time, and special rules should be adopted to specify precisely how recognition is to be sought and the floor obtained during such meetings. [[RONR](#) (10th ed.), p. 482, l. 28, to p. 483, l. 5; see also p. 159 of [RONR In Brief](#).]

It should be noted in this connection that the personal approval of a proposed action obtained from a majority of, or even all, board members separately is not valid board approval, since no meeting was held during which the proposed action could be properly debated. If action is taken by the board on the basis of individual approval, such action must be ratified by the board at its next regular meeting in order to become an official act. [[RONR](#) (10th ed.), p. 469, l. 24, to p. 470, l. 2.]

Question 20:

How can we get rid of officers we don't like before their term is up?

Answer:

It depends. If the bylaws just state a fixed term for the officer, such as "two years," or if they say the officer serves for a specified term "and until [the officer's] successor is elected" (or words to that effect), then the group must use formal disciplinary proceedings, which involve the appointment of an investigating committee, preferral of charges by such a committee, and the conduct of a formal trial. The procedure is complex, and should be undertaken only after a careful review of Chapter XX of [RONR](#).

On the other hand, if the bylaws state a term for the office but add "or until [the officer's] successor is elected," or contain other wording explicitly indicating that the officer may be removed before the term expires, then the election can be rescinded (see Chapter 7 of [RONR In Brief](#)) and a successor then elected for the remainder of the term.

Of course, if the bylaws themselves establish a procedure for removal from office, that procedure must be followed. [[RONR](#) (10th ed.), p. 642-43.]