

TITLE 10

SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

SUBTITLE 3 — POLICIES

POLICY 32

BASIC PARLIAMENTARY RULES OF ORDER FOR LINN COUNTY GOVERN- ING BODIES

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I. GENERAL PROVISIONS

32.010 Purpose

The purposes of this policy are:

(A) To establish a set of parliamentary rules that are most common and useful for the conduct of small deliberative meetings conducted by the Board and of meetings conducted by its boards, commissions, and committees.

(B) To ensure that this collection of parliamentary rules should be as standard and uniform as possible for all its deliberative bodies, but also flexible enough to meet the particular needs of each body where justified.

(C) To reflect in those rules the requirements of the Oregon Revised Statutes (especially ORS chapter 192 "Public Records and Meeting Law") as that collection of laws modify traditional parliamentary rules.

(D) To reflect in those rules some of the interpretations of those statutes issued by Oregon courts and Attorneys General.

(E) To make these rules as "*simplified*" as possible in the sense that they represent the most common rules for smaller, informal governing bodies, but keeping in mind that:

(1) they are legal precepts that must be worded in a such a manner as to protect the decision maker if legally challenged; and

(2) they must not conflict with the requirements of Oregon state law or binding interpretations of the Oregon Attorney General that bear directly on the parliamentary process.

(F) County Counsel, in early 2001, following several years of queries by various boards, commissions, and committees, and after attending years of meetings of boards of commissioners and assisting in their parliamentary process, began addressing the need for such a collection of parliamentary rules by preparing a draft document; the Board reviewed and adopted it in Order 2001-145 on March 21, 2001.

[Adopted 01-605 eff 10/23/01]

32.020 Definitions

(A) As used in this policy, the term:

(1) "**Agency**" means those elected offices and department heads set forth in LCC 630.020 under the definitions of "elected official" and "department head."

(2) "**Board**" means the Linn County Board of Commissioners.

(3) "**Department**" means a unit of division of the Linn County government. The term does not include offices of elected officials other than the Board.

(4) "**Department head**" has the meaning given the term in LCC 630.020.

(5) "**Elected office**" has the meaning given the term in LCC 630.020.

(6) "**LCC**" means the Linn County Code.

(7) "**LCP**" means the Linn County Policies.

(B) For purposes of ORS 192.660 to 192.690, and as applicable herein when such statutes are addressed:

(1) "**decision**" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(2) "**executive session**" means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(3) "**governing body**" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(4) "**meeting**" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any onsite inspection of any project or program. "Meeting" also does not include the attendance of members of a governing body at any national, regional or state

association to which the public body or the members belong.¹

(5) “**public body**” means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(C) For purposes of these rules, the terms, “**governing body**,” “**body**,” “**society**,” and “**assembly**,” are used synonymously.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.040 Background

(A) A few of the boards, commissions, and committees established by the Board, have for many years adopted some popular version of parliamentary rules for the conduct of its business. Many have never adopted nor are guided in the conduct of their business by any official set of parliamentary rules of order.

(B) The Board determined it necessary to select from the vast set of parliamentary rules, those that were most common and useful for the conduct of small deliberative assemblies and to set them forth in an official, but useful, document.

(C) The Board also determined that this collection of parliamentary rules should not only be as standard and uniform as possible for all its deliberative bodies, but also flexible enough to

meet the particular needs of each body where justified.

(D) This collection of the more common and useful Parliamentary Rules of Order also contains many of the requirements of the Oregon Revised Statutes (especially ORS chapter 192 “Public Records and Meeting Law”) that modify traditional parliamentary rules. In addition, these rules contain many of the interpretations those statutes issued by Oregon courts and Attorneys General.

(E) These rules are “*simplified*” only in the sense that they represent the most common rules for smaller, informal governing bodies. They were selected out of hundreds of rules that are described in standard, popular manuals consisting of hundreds of pages. They are *not* simplified in the sense that they ensure complete understanding by a grammar school student. They are legal precepts that must be worded in a such a manner as to protect the decision maker if legally challenged.

(F) Another very important point to remember is that these rules encapsulate and summarize many of the requirements of Oregon state law and interpretations of the Oregon Attorney General that bear directly on the parliamentary process.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.050 Applicability

(A) This policy applies to the Board of Commissioners.

(B) This policy applies at the discretion of County elected officials to deliberative bodies established by those elected officials.

(C) This policy applies to members of boards, commissions, and committees established by the Board.

[Adopted 01-605 eff 10/23/01]

32.060 Policy term

This policy applies until it is amended or rescinded by the Board.

[Adopted 01-605 eff 10/23/01]

32.070 Format for publication and distribution

This policy may be published and distributed in a “user-friendly” format designed by County Counsel subject to the requirement that the sub-

¹ROBERT’S RULES OF ORDER (10th edition) defines a meeting to include a group meeting in a single room or area or *under equivalent conditions of opportunity for simultaneous aural communication among all participants*. (See *RONR* p. 1, 1.12-1.14). ORS 192.670 (1) provides: “Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.” Communications by a quorum using the Internet, unless in accordance with ORS 192.610 to 192.690 would be in violation of that law. “**Synchronistic meetings**” occur with participants in different places at the same time. An example of a synchronistic meeting would be a teleconference. “**Nonsynchronistic meetings**” occur with participants in different places at different times. An example of a nonsynchronistic meeting would be conducting a “meeting,” as defined by ORS 192.610, on the Internet.

stantive materials set forth herein are presented in accordance with this policy.

[Adopted 01-605 eff 10/23/01]

II. POLICY AND PROCEDURE

32.200 Policy statement

(A) It is the policy of the Board of Commissioners that this policy govern the meeting conducted by deliberative bodies established by the Board.

(B) Other elected officials are encouraged to use and apply this policy to any deliberative bodies that they establish that report to them.

[Adopted 01-605 eff 10/23/01]

32.220 Procedure to comply with the policy; generally

(A) Compliance with the provisions of this policy are met by applying this policy in the conduct of each meetings and by seeking the advise of County counsel as needed on doubtful matters in parliamentary procedure.

(B) Compliance is met by adopting and complying with (in the transaction of official business of all governing bodies):

(1) *ROBERT'S RULES OF ORDER NEWLY REVISED (RONR)* (most current edition) or Keesley's *MODERN PARLIAMENTARY PROCEDURE* (1994) (or similar popular authority); or

(2) this policy (*SIMPLIFIED PARLIAMENTARIAN RULES OF ORDER FOR LINN COUNTY GOVERNING BODIES*). If one of the texts mentioned above has been adopted in the Bylaws of the governing body, then these rules shall act as Special Rules of Order modifying such authority.

(C) The important point to remember is that no matter what procedure is used to conduct business, the governing body needs tools and methods to facilitate the meetings, and to eliminate opportunities for infighting and frustration. The object of all good Rules of Order is to serve as those tools which if used properly will facilitate the smooth functioning of the assembly and provide a firm basis for resolving questions of procedure that may arise.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

III. RULES OF ORDER – PRELIMINARIES

32.300 Purposes For Rules

Rule 1 – Every member has rights equal to every other member.

Rule 2 – The will of the majority must be carried out, and the rights of the minority must be preserved.

Rule 3 – The personality and desires of each member should be merged into those of the governing body.

[Adopted 2001-145 eff 3/21/01]

IV. RULES OF ORDER – RELATING TO THE STRUCTURE OF THE DECISION-MAKING BODY

32.400 Governing documents; generally

Rule 4 – *Governing documents of each governing body* — each governing body should have in its possession a valid and current documents that pertain to the structure of the body and its procedure for doing business. Those documents consist of at least bylaws, rules of order, and standing rules.

[Adopted 2001-145 eff 3/21/01]

32.410 Governing documents; bylaws

Rule 5 – *Bylaws; definition* — The Bylaws is a document that contains the important aspects of the society that relates to itself as an organization and requires a lesser number of affirmative votes to change its terms (The modern practice is to combine the Constitution and Bylaws, at least for the less formal bodies). This combined form of Bylaws comprise the highest body of rules (adopted by a society) for a society as normally established today. The usual, minimum contents of the combined form include at least the following articles,²

²Remembered by the mnemonic – NO MOME C PA – “No Mommy; see Pa”? The first two articles may be in a Corporate Charter; the first five in a Constitution; in which

- (1) Name;
- (2) Objectives; purposes;
- (3) Members;
- (4) Officers;
- (5) Meetings;
- (6) Executive Board, if any;
- (7) Committees, if any;
- (8) Parliamentary Authority;
- (9) Amendment.

Rule 6 – Adoption — The original Bylaws, through which a society is brought into being, are adopted by a majority vote of the assembly.

Rule 7 – Amendment — Bylaws, once originally adopted, may be amended only by previous notice and 2/3 vote).

Rule 8 – Suspension; generally prohibited — Bylaws may *not* be suspended (with the exception of clauses that provide for their own suspension under specified conditions, or clause in the nature of Rules of Order).

[Adopted 2001-145 eff 3/21/01]

32.420 Governing documents; rules of order

Rule 9 – Rules of Order and Special Rules of Order; definition —

(1) Rules of Order are written rules of parliamentary procedure formally adopted by an assembly or an organization. They relate to the orderly transaction of business in meetings and to the duties of officers in that organization.

(2) Special Rules of Order are rules that supplement or modify the adopted parliamentary authority. Special Rules of Order usually relate to establishing the society's own order of business and the length or number of speeches permitted each member in debate.

Rule 10 – Rules of Order; application — Rules of Order adopted by a body are binding upon it in all cases where they are not inconsistent with the Bylaws, or any Special Rules of Order of the body, or any local, state, or national law applying to that particular type of organization.

case(s), the articles should not be repeated in a lower order document.

Rule 11 – Rules of Order; adoption —

(1) *Rules of Order* — A society provides itself with suitable Rules of Order by the adoption of an article in the Bylaws whereby the current edition of a specified and generally accepted manual of parliamentary law as the body's parliamentary authority is named.

(2) *Special Rules of Order* — A society may adopt Special Rules of Order that supplement or modify the adopted parliamentary authority (Rules of Order). Special Rules of Order should be adopted separately from the bylaws and should be printed in the same booklet with, but under a heading separate from, the Bylaws. Individual, specific Rules of Order should never be placed *within* the Bylaws because, unlike the Bylaws (which can never be suspended, Rules of Order (whether contained in the parliamentary authority or adopted as Special Rules of Order) can be suspended by 2/3 vote. A new Special Rule of Order, or amendment of an existing (Special) Rule of Order requires:

- (a) previous notice and 2/3 vote; or
- (b) without notice, a majority of the

entire membership.

Rule 12 – Rules of Order; application — Special Rules of Order supersede any rules in the parliamentary authority with which they may conflict.

Rule 13 – Rules of Order; suspension of Rules of Order — With some exceptions,³ individual Rules of Order – whether contained in the parliamentary authority or adopted as Special Rules of Order – can be suspended by a 2/3 vote. If such rules are in the Bylaws and are clearly identi-

³Some Rules of Order may not be suspended. They include: a rule in the Bylaws, unless the particular rule allows for it and contains a procedure for its suspension; rules protecting absentees (e.g., previous notice) or a basic right of the individual member; a motion to dispense with an established Order of Business; conditions that govern the notice required to call a meeting; quorum specifications; specific voting methods and the minimum number of affirmative votes required to take action; and provisions that prevent suspending a bylaw.

fiable as in the nature of Rules of Order, they too can be suspended by a 2/3 vote.

[Adopted 2001-145 eff 3/21/01]

32.430 Governing documents; standing rules

Rule 14 – Standing Rules; definition — Standing Rules relate to the details of the administration of a society rather than to parliamentary procedure.

Rule 15 – Standing Rules; application — A Standing Rule continues in force until it is rescinded or amended. Standing Rules do not interfere materially with the freedom of a later session, since it can be suspended for the duration of any session (but for no longer).

Rule 16 – Standing Rules; adoption or amendment of Standing Rules — Standing Rules can be adopted as any ordinary act⁴ of the society by majority vote. They may be amended by majority vote with notice or by 2/3 vote without previous notice.

Rule 17 – Standing Rules; suspension of Standing Rules — Standing Rules may be suspended by majority vote.

[Adopted 2001-145 eff 3/21/01]

V. RULES OF ORDER – RELATING TO THE PROCEDURE OF TRANSACTING BUSINESS

32.500 Meetings; generally

Rule 18 – The governing body may take official action only in meetings properly called.

Rule 19 – The chair (usually the presiding officer)⁵ calls the meeting to order. If the chair is

⁴That is, at any meeting without previous notice, upon motion, second, stated, debate, and majority vote (§34).

⁵The terms “presiding officer” or “chair” include an acting presiding officer or acting chair. It must be noted that a person acting as chair who is not the presiding officer as defined in the bylaws does not, by acting as chair, assume all the rights, duties, and responsibilities of the presiding officer as set forth in those bylaws. The term “chair” refers to the person in a meeting who is *actually* presiding *at the time* and who has been properly recognized as the authority for purposes of conducting a meeting under parliamentary rules of order — that person usually being the presiding officer.

not present, the meeting may be called to order by the vice-chair, the secretary, or by any member willing to act as acting-chair (in that order). In the absence of the chair and vice-chair, the secretary — or in the secretary’s absence, some other member — may call the meeting to order and preside until the assembly elects a chair *pro tem* for that meeting. Such election is the first order of business. The first adjournment puts an end to this appointment.

Rule 20 – The regular presiding officer, knowing that he or she will be absent from a future meeting, cannot in advance authorize another member to preside in that person’s place as chair.

Rule 21 – The chair has inherent authority to keep order (i.e., to comply with the laws, Bylaws, Rules of Order, and Standing Rules that pertain to the governing body) and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting.

Rule 22 – If public participation is to be a part of the meeting, the chair should remind participants to limit testimony to relevant points and may regulate, subject to the will of the assembly, the order and length of appearances.

Rule 23 – Any person who fails to comply with reasonable rules of conduct or who causes a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.⁶

Rule 24 – Members of the public in attendance at a public meeting of the governing body do not have a right to participate (speak or submit written materials) in that meeting, unless that meeting is a public hearing, in which case members of the public have a right to be heard in the manner and to the extent prescribed by law.

Rule 25 – A governing body may look to or consult the sources of parliamentary authority listed in the preamble to these rules for parliamen-

⁶ATTORNEY GENERAL’S PUBLIC RECORD AND MEETING MANUAL (“AGPRMM”) (1999) at 107; see *State v. Marbet*, 32 Or App 67 (1978); Attorney General Model Rule 137-004-0010.

tary guidance on matters where these rules are silent or their application uncertain.

Rule 26 – *Most importantly*, if a governing body takes action (makes a decision) on a matter in violation of ORS 192.610 to 192.690 (i.e., in violation of the Public Meeting Law), the governing may cure the violation while in compliance with those statutes in a duly called public meeting in which the action (decision) is reinstated by the governing body.⁷

Rule 27 – The assembly may approve a motion to take a temporary break (recess) during which time the members may leave their places; or the chair, without any vote of the assembly, may direct the assembly to *stand at ease* for a few minutes during which time the members are not at liberty to leave their places or continue debate. One purpose of directing the assembly to stand at ease would be to allow the chair to quietly confer with the parliamentary authority, such as before ruling on a point of order. A member can prevent standing at ease on objection and bring the assembly back to order by objecting to continuing to stand at ease.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.510 The use of motions; generally

Rule 28 – The following six steps are normally required to conduct business:

- (1) Motion by a member
- (2) Second by another member
- (3) Question on the Motion stated by chair
- (4) Debate by the members
- (5) Question is Put to the body by the

chair

(6) Vote is taken; results announced by the chair, and the vote of each member recorded by the secretary

Rule 29 – Obtaining the floor. To make a Motion or address the governing body on any question it is first necessary to *obtain the floor* which is done, when no one else is speaking, by

(1) addressing the chair (e.g., “Mr(s)/Ms. [chair-]person”) and, if necessary, giving one’s

⁷ORS 192.680 (1).

name and being recognized by the chair (e.g., “Yes, Mr(s)/Ms. Commissioner”); or

(2) having a communication (e.g., “Order of the Day”) which has previously been set on the agenda (“Order of Business”) called and the person presenting the matter, if any, recognized by the chair.

Rule 30 – Seconds

(1) The purposes for this rule are that, but for the rule —

(a) on the wishes of only one person the matter would be *forced* (perhaps unnecessarily and unfairly) to go to debate and vote; and

(b) the debate and vote on the matter may take up unnecessary time and only prove that it was all unnecessary in the first place.

(c) Generally, it is the rule⁸ that a matter should not be opened for debate unless the motion has been seconded.

(2) In a three member governing body, a second in Motions requiring a second assures that a quorum deems the matter worthy of being considered official action.

(3) If the motion is not immediately seconded, the chair should ask if the motion is seconded.

Rule 31 – Routine matters, and those that are clearly uncontroversial, even if requiring 2/3 vote, may be adopted by unanimous or general consent (the chair may state, e.g.: “Unless there is an objection, the question passes by general/unanimous consent” (so long as the chair observes the rules requiring that a minimum number of votes is satisfied).

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.520 Order of business and the agenda

Rule 32 – The Order of Business (the order in which matters come before the governing body; if in writing the Order of Business is usually called

⁸The governing body should be aware that if it adopts a special rule of order dispensing with the requirement for a second then any one member may impose on the membership discussion and debate which the chair does not have unilateral control to end.

the Agenda⁹) shall consist of at least the following headings:

Call to Order by the chair

(1) **Opening Ceremony** (e.g., flag salute — optional)

(2) **Roll call** (in addition to the membership, always note for the minutes the identities of any journalists present)

(3) **Approval of the Agenda**, if one is to be used

(4) **Reading¹⁰ and approval of the Minutes** of the previous meeting, and of any succeeding Special Meetings, if any¹¹

(5) **Reports of Officers, Boards, Committees**, if any

(6) **Unfinished Business**

(a) Orders of the Day, if any (i.e., published agenda items: Special and General Orders, taken up in the order listed and at the times shown in the Agenda and in accordance with the priorities set by parliamentary rules)

(b) Other business postponed to this meeting (such as adoption of the Consent Calendar¹²)

(7) **New Business** (not appearing on the Agenda)

(8) **Such other business** as may properly come before the governing body, if any (e.g., Good of the Order, Announcements, and Program, such as a guest speaker)¹³

(9) **Adjournment** and announcement of next regular meeting (date, time, and location) by chair.

Rule 33 – With respect to the Linn County Board of Commissioners, it shall, as the first item of business, make any necessary amendments to and adopt by majority vote the agenda for the entire meeting to be next conducted. The agenda shall follow the order and contain the necessary headings in the Order of Business.

Rule 34 – The agenda can be amended either before adoption (by majority vote) or after adoption (by $\frac{2}{3}$ vote).

Rule 35 – Once an agenda is adopted, each item of business on the agenda will come before the meeting unless:

(1) no one moves a motion;

(2) no one objects to withdrawal suggested by the mover;

(3) a motion to delete an item from the agenda is made and passed by $\frac{2}{3}$ vote; or

(4) the meeting runs out of time before the item can be put to vote.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.530 Consent calendars

Rule 36 – With respect to the Linn County Board of Commissioners, the Board may adopt an agenda whereby the Board, on its Tuesday agenda,

⁹An *agenda* is an Order of Business listing the items of business to be discussed by a governing body at meeting or session. Usually the chair or other designated person (such as the secretary) is charged with the responsibility for preparing the *draft* agenda. Until the body adopts the proposed agenda, it is merely a *proposal*. Among other items of business, it includes “special” and “general” orders. Items listed in a specific position without a particular time to be considered are General Orders; items listed with a particular time to be considered are Special Orders. *Adoption of the Agenda protects the membership from the introduction, without prior warning, of new, and perhaps controversial, matters of business.*

¹⁰The reading of Minutes may be avoided if the chair states, for example: “Unless there is an objection, the Minutes will not be read. [Pause.] Is there a motion to approve the Minutes?” If there is an objection, the minutes must be read.

¹¹“If minutes have not been approved, they may be so identified.” Any completed *minutes* submitted by a secretary, even if not yet formally approved by the governing body, are public records subject to disclosure. AGPRMM at 110. The submitted minutes should be signed by the secretary and, on approval by the assembly by, at least, the chair.

¹²The “Consent Calendar” is the list of items that, in a previous meeting, had been introduced, discussed, and a consensus reached that they were actions worthy of adoption at a later meeting for which they are then scheduled.

¹³This may include such items as a “Calendar Update” during which the members compare their upcoming calendar appointments for the purpose of making the appointments known and to resolve conflicts with others’ appointments.

considers items (under parliamentary rules of procedure but without being put to vote), and then schedule those items that demonstrate a consensus of approval to be put to vote in gross at its Wednesday adjourned meeting. Such items are referred to as the Consent Calendar and shall be so indicated on the Board's Agenda under the heading "Unfinished Business." The in-gross action may be by general/unanimous consent.

Rule 37 – Items on the Consent Calendar should be considered in gross without debate or amendment.

Rule 38 – If an item has been placed on the Consent Calendar and a member wishes to debate or amend the item, the item must first be removed from the Consent Calendar and then disposed of by proper parliamentary procedures, such as approval of a motion:

- (1) to reschedule the item under New Business;
- (2) to Lay it on the Table; or
- (3) to Postpone to a Time Certain (make it an item of business at a different meeting at a time certain).

[Adopted 2001-145 eff 3/21/01]

32.540 Conducting business under the rules of order

Rule 39 – *Parliamentarian Basics for Transacting a Specified Item of Business on an Agenda*

- (1) Gavel – the chair calls the matter on the agenda (usually an Order of the Day, e.g., order or resolution presented by staff);
- (2) The chair asks if there is any staff presentation of (or public comment on) the matter, and, if so, allows it;
- (3) The chair asks the members if there are questions for staff;
- (4) The chair allows for (and if none, asks for) a *motion* on the matter (this is necessary if the matter is to be introduced as a matter for possible consideration by the governing body);
- (5) The chair allows for (and if none, asks for) a *second* (this is necessary to ensure that the matter is of sufficient merit to open it up for debate; see Rule 30 –);

(6) The chair *states the motion* as made (at which time the matter becomes the property of the governing body);

(7) The chair asks if there is any *discussion* (debate) on the motion;¹⁴

(a) The matter may be debated after the member seeks and obtains recognition by the chair;

(b) the moving member should be afforded the first opportunity to debate the motion;

(8) The question is *put to vote* in a variety of methods:

(a) A motion by a member at *any* time during debate to *Call the question* (or *To Move the Previous Question*), if seconded and approved by $\frac{2}{3}$ vote, ends the discussion immediately, and requires the chair to put the matter to vote immediately.

(b) If no one calls the question, the chair must determine if the question is ready to be called:

(i) by asking if there is any further discussion on the motion (this assures that the question is ready to be called);

(ii) if consensus is uncertain or the matter is not routine, by calling the question by stating it.

(c) When it is certain that the question is ready to be called, the chair either:

(i) puts the matter to vote by —
(I) *stating the motion* as made (or properly amended);

(II) taking the members *vote* on the motion according to the rules; and

¹⁴In practice, however, it is sometimes advantageous to permit very limited discussion of a general nature before a motion is introduced. Such a preliminary discussion can sometimes indicate the precise type of action that is most advisable, whereas presentation of a motion first can result in a poorly worded motion, or a proposal for action that, in light of subsequent discussion, seems inadvisable. This departure from strict parliamentary procedure must be used with caution, however. It should **not** be used as a substitute for the normal parliamentary debate (discussion) of the question, unless the assembly first approves by $\frac{2}{3}$ vote a motion to suspend the rules to consider that item of business informally and openly.

(III) *announcing* the results of the question; or

(ii) states that, unless there is an objection, the matter is approved (or denied), where consensus is clearly expected because the matter routine or the discussions so indicate.

(9) Gavel – call the next matter on the agenda.

Rule 40 – All business matters should be brought before the assembly by:

(1) a specific listing on the meeting agenda as a general or special order;

(2) a Motion of a member; or

(3) a submission and presentation of a communication (resolution, order, ordinance, report, or letter).

Rule 41 – Only one subject may claim the attention of the governing body at one time. Complex questions may be divided into separate, single subject matters following approval of a motion To Divide the Question.

Rule 42 – Each matter presented for consideration (i.e., moved and seconded) is entitled to full and free debate.

Rule 43 – After a question has been stated by the chair, the question becomes the possession of the governing body for debate; the mover cannot withdraw or modify it, if anyone objects, except by obtaining leave from the governing body, or by moving an amendment.

Rule 44 – The chair, subject to approval by the governing body, may limit debate or extend the limit of debate if such limits would further the timely and orderly transaction of business.

Rule 45 – The chair may not interrupt the person who has the floor so long as that person does not violate any of the assembly's rules and no disorder arises. The chair must never interrupt a speaker simply because the chair knows more about the matter than the speaker does.

Rule 46 – The chair may not unilaterally close debate as long as members wish to debate, so long as the person wishing to debate does not violate any of the assembly's rules and no disorder arises.

Rule 47 – All official action must be taken by a public vote¹⁵ which may be:

(1) a formal vote following the procedure described in Rule 39 –; or

(2) a statement by the chair that, unless there is Objection, the matter is approved (or denied), in which case, the Minutes should reflect that the matter was approved (or denied) without Objection.¹⁶

Rule 48 – The vote (whether affirmative, negative, abstention, or absence) of each member by name must be recorded.¹⁷

Rule 49 – Vote by proxy, by secret ballot, or by mail is prohibited.

Rule 50 – Actions taken by the governing body are not valid if they subvert either federal, state, or local laws or rules of the Board of Commissioners.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.550 Conflicts of interest

Rule 51 – Absent compelling circumstances, for example, pecuniary conflict of interest problems, members should not abstain from voting (conflicts of interest are governed by ORS chapter 244 (Government Standards and Practices)).¹⁸

[Adopted 2001-145 eff 3/21/01]

32.560 Adjournment

Rule 52 – An adjournment of a meeting moves the business interrupted by that adjournment to the first order of business after the reading

¹⁵AGPRMM at 109.

¹⁶The chair could say, e.g.: "Let the minutes reflect that unless there is an objection, the matter is approved (or denied)." This simplified procedure is called an approval by "general consensus" or unanimous consensus." Because of the statutory requirement that the vote of each member be recorded, adoption by "general" consent, unlike "unanimous" consent, should be avoided, especially with important, significant items of business.

¹⁷Failure to record a *vote* is not, in and of itself, a ground for reversing a decision." AGPRMM at 109.

¹⁸AGPRMM at C-4 and C-5 and ATTORNEY GENERAL'S ADMINISTRATIVE LAW MANUAL AND UNIFORM AND MODEL RULES OF PROCEDURE UNDER THE ADMINISTRATIVE PROCEDURES ACT (AGALM) at F-5 and F-6); see also *Eastgate Theatre Inc. v. Bd. of County Commissioners*, 37 Or App 745 (1978).

and approval of the minutes at the next meeting. Such unfinished business is treated the same as if there had been not adjournment

[Adopted 2001-145 eff 3/21/01]

32.570 Rules of order; relation to the types of motions

Rule 53 – Motions; generally. There are only a bit more than a dozen Motions out of the complete Parliamentary procedure that the governing body would most likely need in its arsenal. Members of most governing bodies, at various times, have used each of these (and sometimes) without really knowing that they had official names and a bit of formality about them. A better acquaintance with them will assure that the transaction of business is done efficiently, professionally, and with pride. For basic Parliamentary procedures, a motion is either (1) a Main Motion, (2) an Ordinary Motion, or (3) a Special “Motion.” For a description of the basic parliamentary motions, see Appendix 1.

[Adopted 2001-145 eff 3/21/01]

32.580 Main motion

Rule 54 – In order to bring a matter to the floor, to consider the principal business of the meeting, a motion, called the Main Motion, must be made. The rules regarding this Main Motion are:

(1) This Main Motion is the statement of a request for action or an idea for evaluation; or the introduction of a resolution, order, or ordinance.

(2) This Main Motion is to be stated in the affirmative, be uncomplicated, clear and concise. It may be written.

(3) Only one Main Motion may be considered at any given time.

(4) Members have a right to know at all times what the immediately pending Motion is, and to have it restated before a vote is taken.

(5) This Main Motion is of the lowest rank; all other pending motions must be disposed with first.

(6) Various secondary procedures exist to facilitate the efforts of the governing body to

arrive at a decision on the Main Motion. They follow, and consist of the Seven Ordinary Motions and of the Special motions, the privilege to Object, and to Reconsider and to Rescind.

[Adopted 2001-145 eff 3/21/01]

32.583 Seven ordinary motions

Rule 55 – The first seven motions that a member of a governing body should be acquainted with are called the Seven Ordinary Motions.¹⁹ They are collected from two categories of formal motions called Privileged Motions²⁰ and Subsidiary Motions.²¹ They are listed by rank or precedence (the order governing their treatment and disposition). The names and the most basic rules of use for the Seven Ordinary Motions are:

(1) *To Adjourn* — used in order to end the meeting; the date, time, and location certain of the next regular meeting shall be announced by the chair at the close of a regular meeting.

(2) *To Recess* — used in order to interrupt the meeting and to reconvene at a time certain.

(3) *To Close Debate* (or *To Move* (or *Call*) the *Previous Question*) — used by a member to force a vote on the most recent prior motion, if seconded.

¹⁹The *Ordinary* Motions, in order of rank, include a few of the formal *Privileged* Motions (P) and *Subsidiary* Motions (S).

²⁰The *Privileged* Motions have nothing to do with the pending question or motion, but are of such urgency and importance that they are allowed to interrupt the consideration of other questions, and take precedence over them. They are undebatable. The five *Privileged* Motions are in order of rank: (1) Fix the Time to Which to Adjourn; (2) To Adjourn; (3) To Recess; (4) Question (Point) of Privilege; and (5) Orders of the Day. When not interrupting other business, they are *Main* Motions and are without privileges.

²¹The *Subsidiary* Motions are the most used. They are made while a *Main* Motion is pending, for the purpose of assisting or modifying it or to delay action or otherwise dispose of the *Main* Motion. They supersede the *Main* Motion for the time being and must be dealt with before action can be taken on the *Main* Motion. They must yield to *Privileged* Motions and *Incidental* Motions. The seven *Subsidiary* Motions in order of rank are: (1) To Table; (2) Previous Question; (3) To Limit (or to Extend Limits of) Debate; (4) To Postpone to a Certain Time; (5) To Refer; (6) To Amend; and (7) To Postpone Indefinitely.

(4) *To Limit* (or *To Extend the Limits of Debate*) — used set a time period.

(5) *To Postpone (to a Certain Time)* — used to set off consideration of Main Motion to another time certain.²²

(6) *To Refer* — used to give the matter to a committee.

(7) *To Amend* — used to change a motion stated or already adopted, or to change the bylaws.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.585 Seven special “motions”

Rule 56 – There are also Seven Special “Motions”²³ which are used to treat various matters. Of the first five Special Motions, all (but To Object) exist largely to handle procedural matters that arise during the consideration of a main motion. The names and basic rules of use for the Seven Special “Motions” are set forth in Appendix 1:

(1) *Point of Order* — used to correct errors or mistakes of procedure; no vote is required; the chair decides the Point.

(2) *To Appeal* — used to force a consideration by the quorum on an immediately previous

ruling of the chair; it requires reasons stated by mover, opportunity for discussion, and vote.

(3) *To Object* — used to make an objection to a matter under consideration.

(4) *To Withdraw* — used to remove a motion from consideration; no vote is required; the chair may rule on the motion if there are no objections.

(5) *To Suspend the Rules to [reason]* — used to allow for a change in these procedural rules.

(6) *To Reconsider* — used reconsider a prior decision as if no vote had even been taken in *that* meeting.

(7) *To Rescind* — used to negate and dispose of a previous action that can not be nullified by the motion To Reconsider.

Rule 57 – Special Motions have no rank in relation to each other.

Rule 58 – Special Motions must be decided immediately.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.590 Summary of motions; rank

Rule 59 – The general rules of the Order of Precedence of Motions (Rank) are:

(1) A Motion of a lower rank is out of order if a higher Motion is under consideration; i.e., a lower motion can not be made while a higher motion is pending.

(2) A higher motion may be made while a lower ranked motion is pending.

Rule 60 – The motions and their respective ranks and characteristics are summarized in Appendix 1 (e.g. a motion numbered 6 is higher than one numbered 7; 7 is higher than A; F is higher than G. In the vote column, “M” means a majority vote is required and “ $\frac{2}{3}$ ” means that $\frac{2}{3}$ vote is required).

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

²²The motion **To Postpone Indefinitely** may be used to kill an objectionable motion. The motion **To Table** simply sets the motion aside to be considered at another time at which it may be taken from the table by a motion of that name.

²³The *Special* Motions include a few of the formal *Incidental* Motions, *Subsidiary* Motions, and *Miscellaneous* Motions. *Incidental* Motions arise out of a pending question and must be decided before any other business is taken up; are something connected with the business that must be attended to and which requires a temporary interruption. They have no special rank among themselves, but they yield to privileged questions. They are dealt with individually as they arise, but they take precedence over *Subsidiary* Motions. Most are not debatable. The eight most common *Incidental* Motions are: (1) Point of Order; (2) Suspension of the Rules; (3) Objection to Consideration; (4) Consideration Seriatim; (5) Division of the Assembly; (6) Motions Related to Methods of Voting; (7) Motions Related to Nominations; (8) Requests and Inquiries. Unclassified *Miscellaneous* (or “*Bring-Back*”) Motions are used in an effort to take up a question again, or to change or undo an action that has been taken. These motions have no order of precedence. The *Bring-Back* Motions are: (1) To Take From the Table; (2) To Rescind; (3) To Reconsider; and (4) To Discharge a Committee.

VI. RULES OF ORDER; RELATION TO QUORUMS AND VOTING REQUIREMENTS

32.600 Quorum (attendance requirement); generally

Rule 61 – *Quorum* refers to the minimum number of members who must be *present* at the meeting *before* business can be legally transacted. It is an **attendance** requirement. A quorum is necessary to conduct business and its purpose is to validate such meeting. Quorum does **not** refer to the required minimum number of persons to take official action (vote) on a particular question; a fixed number (usually a majority) of the quorum does that.²⁴

Rule 62 – If Bylaws do not specify what the quorum shall be, it is a majority of all the members of the governing body.

Rule 63 – It is the duty of the chair to determine whether a quorum is present before beginning a meeting and if there is no quorum to solicit from the members a resolution of the situation (see Rule 66 –).

Rule 64 – The Bylaws *may* require that certain officers must be present in addition to a quorum requirement.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.620 Absence of a quorum

Rule 65 – In the absence of a quorum, any business transacted (other than the actions described in Rule 66 –) is null and void. In such a case, however, it is that business that is not legal, not the meeting. The meeting itself is legal under parliamentary law and need not be rescheduled in order to comply with the requirement of a legal meeting.

Rule 66 – The only official actions that may be taken by members in a meeting in the absence of a quorum are:

(1) to announce the absence of a quorum and state that, unless a quorum can be rounded up, any business transacted, except as set forth in this Rule, will be unofficial and invalid;

(2) to take the following actions:

(a) to fix the time to which to Adjourn;

(b) to adjourn;

(c) to recess;

(d) to take measures to obtain a quorum (e.g., contacting members during a recess and asking them to attend).

(3) without taking any action, hear committee reports, listen to remarks by others; and

(4) to take emergency action if necessary, in the hope that such action will be approved (ratified) at a later meeting with a quorum present.²⁵

Rule 67 – If a meeting adjourns because of a lack of a quorum, or for any other reason, the unfinished business shall be brought up as Unfinished Business in the Order of Business of the next meeting of the body.

Rule 68 – If a question is introduced and it can be proven that there was no quorum when it was introduced, its introduction was invalid and, to be valid, it must be reconsidered at a later meeting.

Rule 69 – A gathering of less than a quorum of a board, commission, or committee is not a “meeting” for purposes of ORS 192.610 to 192.690 (Public Meeting Law).²⁶ However, it may be a “meeting” for other lawful purposes (see Rule 65 –).

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.630 Voting requirements and quorums

Rule 70 – The general law governing how many persons are required to lawfully take official action is stated in ORS 174.130 which provides: “Any authority conferred by law upon three or more persons may be exercised by a majority of them unless expressly otherwise provided by

²⁴In the most fundamental sense, the requirement of a quorum is a protection against unrepresentative action in the name of the governing body by an unduly small number of people.

²⁵See ORS 192.680 (1) and RONR at p. 342.

²⁶AGPRMM at 95.

law.” The Attorneys General have consistently interpreted this provision as not merely to establish a quorum, *but more importantly to require concurrence of a majority of all the members of a body to make a decision.* In order to escape the rigors of this requirement, the bylaws of a governing body may establish a quorum (a number smaller than the entire membership) from which the majority count is determined.

Rule 71 – In the case of a three member body, the quorum and the minimum number required to take action (whether by a majority vote or a 2/3 vote) is the same — *two* members must be present to open and conduct a meeting and two members must concur to take action on an item of business. This rule applies to the Linn County Board of Commissioners (a body of 3 persons). A majority of the Board (2 members) is required to take any action, approval or denial.²⁷

Rule 72 – The Linn County Code (LCC), orders of the Linn County Board of Commissioners, and the bylaws for each governing body must be consulted to determine:

- (1) the requirement for a quorum; and
- (2) the required number of affirmative votes of those present to approve an item of business.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.640 Tie-votes; abstentions; and other voting peculiarities

Rule 73 – When the matter is before the Linn County Board of Commissioners and the matter is a contested land use case and the result of the vote is 1 – 1 because:

(1) only two members of the Board are present, then, if the 150-day time limitation:

(a) is not at issue, the matter may be continued to a subsequent meeting to allow the absent member to participate;²⁸

(b) is at issue, then the decision of the lower tribunal stands.²⁹

(2) three members of the Board are present, but one member abstains from voting, then the decision of the lower tribunal stands.³⁰

Rule 74 – The effect of a “motion to deny” when the result of the vote fails is simply that the *motion* fails, **not** that the *application* (e.g., a *contested case hearing such as a land use application*) or *matter* is approved. The chair should then make or ask for a motion to approve the application.³¹

Rule 75 – Following approval of a motion to deny or of a motion to approve a contested case matter, the chair should entertain a motion to instruct staff to prepare findings to support the decision.

Rule 76 – Members of governing bodies are appointed or elected to make decisions. To abstain is to fail to perform a most important function given to that member. Absent compelling circumstances, for example, pecuniary conflict of interest problems, members should not abstain from voting.³²

Rule 77 – An abstention does not count as a vote in favor of the majority position.³³ It does not count as an affirmative or negative vote. A member who is present but abstains, however, may be counted toward making up a quorum, but may not

²⁹The Linn County Code could provide that the result of a tie vote is an approval. *Strawn b. City of Albany*, 20 Or LUBA 344, 350-51 (1990).

³⁰The Linn County Code could provide that the result of a tie vote is an approval. *Strawn b. City of Albany*, 20 Or LUBA 344, 350-51 (1990).

³¹Pursuant to the reasoning in *Derry v. Douglas county*, 28 Or LUBA 212 (1994) (When the code provides that a tie vote affirms the decision of the lower tribunal, the code prevails, and If the local code is silent on the procedure to follow in a tie vote, counsel should consult Robert’s Rules of Order for a default position), a code (policy too?) requirement that a failed negative vote (motion to deny an application) be followed by an motion to approve will be honored by a reviewing appellate body (e.g., LUBA).

³²See *Eastgate Theater Inc. v. Bd. Of County Commissioners*, 37 Or App 745 (1978).

³³See *State ex rel Roberts v. Gruber*, 231 Or 494 (1962).

²⁷LAND USE (Oregon CLE 1994 & Supp. 2000), §10.48 (Voting); see also ORS 174.130.

²⁸*Hannon v. City of Gresham and Tri-Met*, 14 Or LUBA 192, 193-194 (1986).

be used to make up the minimum number of votes required to pass or reject a motion.

Rule 78 – Absent members who review the record are not disqualified from voting at the time the question is put.³⁴

Rule 79 – A decision-maker who joins the body midway through the hearing and votes need not demonstrate that he or she reviewed the record.³⁵

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.650 The effect of vacancies on voting requirements and quorums

Rule 80 – The fact that one or more vacancies exist on a governing body has no bearing on the quorum [or voting] requirements. Since the law establishes the number of members required for a quorum [or to take official action], the fact that a position is unfilled does not alter this requirement.³⁶ The analyses and resulting solutions are:

(1) Does a law (statute, board order, etc.) establish a specific **voting requirement** (the minimum number of affirmative votes to take official action)?

(a) if no voting requirement is established, and

(i) a quorum is **not** established, then ORS 174.130 applies, and a majority of the entire body —

(I) acts as a “quorum,” for that body to open a meeting; and

(II) is the minimum number of affirmative votes that can take action;

(ii) a quorum is established, then ORS 174.130 does not apply, and

(I) that quorum is the minimum number of members that can open a meeting; and

(II) a majority of that quorum is the minimum number that can take action (the actual number being the majority of those present when a quorum is met);

(b) if voting requirement is established, follow the requirements of the law (ORS 174.130 does not apply).

(2) A vacancy does **not** act in a way to diminish the number on which the voting requirement is based —

(a) it does not act to reduce the number of the entire body (from which a majority is counted in the case of ORS 174.130; thus in a 14-member body, e.g., the number of affirmative votes is always 8 regardless of the number of vacancies);

(b) it does not act to reduce the number constituting a quorum (from which the minimum number of a majority of members in attendance is counted in the case of a law establishing a quorum; thus in a 14-member body, e.g., the quorum (the minimum number required to be present to do business) is 8 and, based on the number present, so long as the number present equals or exceeds the quorum, the number of members that may take action is 5 when 5 to 9 members are present; 6 when 10 or 11 are present; 7 when 12 or 13 are present; and 8 when all 14 are present; in each case regardless of the number of vacancies).

(c) it does not act to reduce the minimum number of affirmative votes when so fixed by law.

[Adopted 2001-145 eff 3/21/01]

32.660 Determination of voting requirements and quorums

Rule 81 – If not specified in the LCC or Bylaws of a board, commission, or committee, the number of concurring votes required to pass or reject a motion is governed by ORS 174.130, and is determined by reference to Table I, Appendix 2.

Rule 82 – If a quorum is specified by a statute or Bylaws of a board, commission, or committee, the number of concurring votes required to pass or reject a motion, if not specified in the statute or

³⁴*Hannon v. City of Gresham and Tri-Mei*, 14 Or LUBA 192, 193-194 (1986).

³⁵*Toth v. Curry County*, 22 Or LUBA 488, 494-95 (1991).

³⁶AGPRMM at C-4 (citing from Letter of Advice dated June 8, 1989 (Op-6322) (“The law], which created a board with a designated membership of 14 [acting pursuant to ORS 174.130], confers authority to act upon the entire designated number of members, not on any smaller group.”)

Bylaws, is determined by reference to Table II, Appendix 2.

Rule 83 – If a question requires $\frac{2}{3}$ vote to pass on a matter, the required number to take action is determined by Table III, Appendix 2.

[Adopted 2001-145 eff 3/21/01; amd 01-605 eff 10/23/01]

32.700 Minutes

Rule 84 – A governing body must prepare minutes and have them available within a “reasonable time after the meeting.”³⁷

Rule 85 – After minutes are prepared, they cannot be withheld from the public merely because the minutes will not be approved until the next session of the body.

Rule 86 – If minutes have not been approved, they may be so identified.

Rule 87 – In any event, any *completed* minutes *submitted* by a secretary are public records subject to disclosure under the Public Records Law, even if the minutes have not been *approved* formally by the body.

References and Authorities:

Legislative History of Policy 32:

Adopted 2001-145 eff 3/21/01

Amendments to 2001-145:

- #1 2001-605 eff 10/23/01 (title page quorum, organization documents; table notes; formatting changes; presiding officer and chair clarified; order of business; majority and $\frac{2}{3}$ vote clarified; full table of motions; teleconferences; electronic meetings)

³⁷ORS 192.660 (1). These four rules are taken from AGPRMM at 110. For purposes of these rules, the AGPRMM identifies three important steps in the process: (1) secretary *completes* the minutes; (2) secretary *submits* them to the governing body; and (3) the governing body formally *approves* the minutes. The sequence is important according the AGPRMM as to *when* they become a public document subject to disclosure to the public.

Appendix 1 — Summary Chart of the More Common Motions

SUMMARY CHART OF THE MORE COMMON MOTIONS ³⁸						
	Motion	Debatable	Second required	Amendable	Vote	May have applied to it
Ordinary Motions³⁹ (in order of rank)	1. To Adjourn	No	Yes	No	M	D
	2. To Recess	No	Yes	Yes ⁴⁰	M	7, D
	3. To Close Debate (Previous Question)	No	Yes	No	$\frac{2}{3}$	D
	4. To Limit (Extend the Limits of) Debate	No	Yes	Yes ⁴¹	$\frac{2}{3}$	7, D
	5. To Postpone (to a Certain Time)	Yes	Yes	Yes	M ⁴²	3, 4, 7, D
	6. To Refer	Yes	Yes	Yes	M	3, 4, 7, D
	7. To Amend	Yes	Yes	Yes	M ⁴³	3, 4, D
Main Motion (lowest rank)		Yes	Yes	Yes	M	3, 4, 5, 6, 7, D, F, G
Special "Motions" (no rank among themselves)	A. Point of Order	No	No	No	0	none
	B. To Appeal	Yes	Yes	No	M	3, 4, D
	C. To Object ⁴⁴	No	No	No	0	none
	D. To Withdraw	No	Yes	No	M	none
	E. To Suspend the Rules	Yes	Yes	No	$\frac{2}{3}$	D
	F. To Reconsider	Yes/no ⁴⁵	Yes	No	M	3, 4, D
	G. To Rescind (something already adopted)	Yes	Yes	Yes	$\frac{2}{3}$ ⁴⁶	3, 4, 5, 6, 7, D

³⁸The Table is adapted from Keesley, *MODERN PARLIAMENTARY PROCEDURE (1994)*

³⁹When *Ordinary* Motions are made with no main motion on the floor, they are treated like other *Main* Motions. They are debatable and amendable, and their consideration may be referred, postponed, etc. This applies also to the motions to Appeal, To Reconsider, and To Rescind (within certain limitations).

⁴⁰May be amended regarding time limitations only.

⁴¹May be amended regarding time limitations only.

⁴²Requires approval by a $\frac{2}{3}$ vote if postponed to a later time in the same meeting (amends the agenda). If postponed to a subsequent meeting, then only a simple majority is required.

⁴³A motion to amend the agenda requires approval by a $\frac{2}{3}$ vote.

⁴⁴To Object is a privilege of a member and is the statement made, for example, when taking exception to a ruling of the chair or when responding to the chair's taking action by unanimous consent.

⁴⁵Yes, if the matter being reconsidered is debatable; no, if the matter is undebatable.

⁴⁶Majority vote with prior notice; $\frac{2}{3}$ vote without notice; or majority of entire membership.

Appendix 2 — Tables for Use in Determining Voting Requirements and Quorums

Table I — Boards, Commissions, and Committees covered by ORS 174.130 ⁴⁷																				
Number of Mem- bers on Board	Number of Members Voting																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
3	X	2	2																	
4	X	X	3	3																
5	X	X	X	3	3															
6	X	X	X	X	4	4	4													
7	X	X	X	X	X	4	4	4	4											
8	X	X	X	X	X	5	5	5	5											
9	X	X	X	X	X	5	5	5	5	5										
10	X	X	X	X	X	X	6	6	6	6	6									
11	X	X	X	X	X	X	6	6	6	6	6	6								
12	X	X	X	X	X	X	X	7	7	7	7	7	7							
13	X	X	X	X	X	X	X	7	7	7	7	7	7	7						
14	X	X	X	X	X	X	X	X	8	8	8	8	8	8	8					
15	X	X	X	X	X	X	X	X	X	8	8	8	8	8	8	8				
16	X	X	X	X	X	X	X	X	X	9	9	9	9	9	9	9	9			
17	X	X	X	X	X	X	X	X	X	9	9	9	9	9	9	9	9	9		
18	X	X	X	X	X	X	X	X	X	X	10	10	10	10	10	10	10	10	10	
19	X	X	X	X	X	X	X	X	X	X	X	10	10	10	10	10	10	10	10	10
20	X	X	X	X	X	X	X	X	X	X	X	X	11	11	11	11	11	11	11	11

KEY TO TABLE I

- (1) The column on the left shows the number of members of the board, commission, or committee.
- (2) The numbers across the top indicate the number of members voting at a meeting. These include affirmative and negative votes but do not include abstentions.
- (3) The number found by intersecting 1 and 2 is the *minimum* number of concurring votes (affirmative or negative) that must be cast in order to pass or reject a motion.
- (4) An abstention is *not* counted as an affirmative or negative voter to make up the minimum number of concurring votes required to pass or reject a motion. If a person abstains, but is present, he or she is still counted for quorum purposes.
- (5) An “X” indicates that no action should be taken because the number voting is below the minimum number of concurring votes required to pass or reject a motion.

Table II — Boards, Commissions, and Committees covered by LCC Specifying Quorum Requirements																					
Number of Mem- bers on Board	Minimum Num- ber Present to Form Quorum	Number of Members Voting (with a quorum present)																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
3	2	X	2	2																	
4	3	X	2	2	3																
5	3	X	2	2	3	3															
6	4	X	X	3	3	3	4														
7	4	X	X	3	3	3	4	4													

⁴⁷Attorneys General have consistently advised that [ORS 174.130] requires a majority of all members of a board, commission or council to concur in order to make a decision. When ORS 174.130 applies, a majority of those present and voting in favor of a particular action is not sufficient to authorize that action unless that majority is more than one-half of the total members of the board, commission or council. For example, in the case of a 13-member board, if only 11 persons were present, six votes for a proposition would be insufficient to authorize any action because six votes would not constitute a majority of the members of that board even though it would constitute a majority of those present. The language used in ORS 174.120 does not clarify whether the legislative intent was merely to establish a quorum requirement or to require concurrence of a majority of all the members of a body to make a decision. Attorneys General consistently, however, have made the latter interpretation.” AGPRMM at C-3.

APPENDIX 3 — CHART OF MOTIONS (ORDER OF PRECEDENCE)

Name of Motion	Can Interrupt	Needs Second	Is Debatable	Is Amendable	Vote	Can be Reconsidered
Privileged motions						
• Fix the time to which to adjourn	N	Y	N	Y	M	Y
• Adjourn	N	Y	N	N	M	N
• Take a recess	N	Y	N	Y ⁴⁸	M	N
• Raise a question of privilege	Y	N	N	N	C	N
• Call for the orders of the day	Y	N	N	N	D	N
Incidental Motions						
• Appeal	Y	Y	Y	N	M	Y
• Division of the assembly	Y	N	N	N	D	N
• Division of a question	N	Y	N	Y	M	N
• Nominations/elections; reopen nominations and polls	N	Y	N	Y	M	negative only
• Nominations/elections; close nominations and polls	N	Y	N	Y	2/3	N
• Objection to consideration of a question	Y	N	N	N	2/3	negative only
• Parliamentary inquiry	Y	N	N	N	C	N
• Point of Information	Y	N	N	N	C	N
• Point of order	Y	N	N	N	C	N
• Requests to withdraw a motion, read a paper; similar requests	Y	Y	N	N	M	negative only
• Suspend the rules	N	Y	N	N	2/3	N
Bring-Back Motions						
• Discharge a committee	N	Y	Y	Y	M ⁴⁹	negative only
• Reconsider	Y	Y	Y	N	M	N
• Rescind/Amend something previously adopted	N	Y	Y	Y	M ⁴⁸	negative only
• Take from the table	N	Y	N	N	M	N
Subsidiary Motions						
• Lay on the table	N	Y	N	N	M	N
• Previous question	N	Y	N	N	2/3	Y
• Limit or extend limits of debate	N	Y	N	Y	2/3	Y
• Postpone to a certain time	N	Y	Y	Y	M	Y
• Commit or refer	N	Y	Y	Y	M	Y
• Amend (pending motion)	N	Y	Y	Y	M	Y
• Postpone indefinitely	N	Y	Y	N	M	affirmative only
• Main motion	N	Y	Y	Y	M	Y

C = chair rules, subject to appeal

D = on demand of a single member

⁴⁸If moved when *no* business is pending.

⁴⁹Majority with notice; 2/3 without notice; or majority of entire membership