

Board of Directors Meeting
School District 4J, Lane County
District Office
200 N. Monroe Street
Eugene, Oregon 97402
Wednesday, September 29, 2021

NOTICE: The meeting will be open to the public via live broadcast on KRVM 1280-AM, the internet at www.4j.lane.edu/stream, in-person or via Zoom Webinar at <https://zoom.us/j/97396578668?pwd=LzBRReEppqZ0JxRzVpaVdlQ3h5UFVzdz09>

**5:30 PM
Board Training Meeting**

- I. **5:30 p.m. Board Training Meeting:** Public Meeting Law, Public Records Law, Roberts Rules of Order **2**

- II. Adjourn

THIS MEETING WILL BE BROADCAST OVER KRVM-AM (1280)

INTERPRETERS FOR THE DEAF AND HARD OF HEARING:

To request interpreter services for this meeting, please call (541) 790-7850 or TDD (541) 790-7712 or the TDD Relay Number 1 (800) 735-2900



WORK SESSION

Date of Meeting

September 29, 2021

Title

Board Development Training:

- Public Meeting Law
- Public Records Law
- Roberts Rules of Order

Presenter

Judy Newman, Board Chair

Background

Public Meetings Law and Public Records Law:

At the September 29 Work Session, OSBA staff will review the following topics:

- Public Meetings Law
- Public Records Law

As part of 4J's membership in Oregon School Boards Association (OSBA), the district receives training resources for school districts and school boards. OSBA school board trainings are designed to help board members become more effective in their roles as elected officials. This presentation will support a shared understanding among 4J School Board members for Public Meetings Law and Public Records Law and how it works in practice.

Roberts Rules of Order:

At the September 29 Work Session, Dr. Brenda Lee Brainard (JD), Retired Director 4J NATIVES Indian Education Program will provide training on Roberts Rules of Order.

Parliamentary Procedures: The laws which are followed in any given assembly or organization, together with whatever rules of order the body may have adopted.

- A way of bringing political/social/tribal/ educational bodies together
 - Ensures co-operation between members
 - Generally, a means of keeping meeting on track
 - Establishes an order of talking
 - Establishes an order of doing business
 - Provides for discussion
 - Identifies when discussion can be had
 - Calls for the vote in an orderly fashion
 - Determines meeting legalities (quorum, majority, etc.)

Robert's Rules of Order

Eugene 4J
School Board

Sept. 29, 2021

Robert's Rules of Order

Parliamentary Procedures: The laws which are followed in any given assembly or organization, together with whatever rules of order the body may have adopted.

History

- Originally designed in England
- A means of bringing assemblies together
- Used by Tribes, Military and Elders
- Brought to the New World with the migration of Anglo Saxons

- A way of bringing political/social/tribal/educational bodies together
 - Ensures co-operation between members
 - Generally, a means of keeping meeting on track
 - Establishes an order of talking
 - Establishes an order of doing business
 - Provides for discussion
 - Identifies when discussion can be had
 - Calls for the vote in an orderly fashion
 - Determines meeting legalities (quorum, majority, etc.)

- On it's own, Robert's Rules of Order is neutral (gender, race, political affiliation)
- Implementation and use is the key
- Bias occurs with improper use, although Robert's Rules is not historic to most bodies

U.S. Applicability

- Thomas Jefferson thought crucial features of order were missing in the meetings of the Continental Congress
- 1876 updated by Henry Martyn Robert (a US Engineering Officer)
- Became the modern Robert' Rules of Order

Purpose:

- To bring order and fairness and a democratic process to a deliberative assembly
 - Does this happen in your meetings
 - Are Robert's Rules being used
 - Are they being used correctly and consistently?
 - Are they being used with fairness and impartiality?

Robert's Rules of Order is a Tool, not a weapon

- Need to be understood
- Need to be consistently used
- Need to provide training to members so they understand them
- How to enforce with attendees

How does RR work?

- Must be a basic respect for laws/rules
- A willingness to practice an orderly method of the procedure
- Work to create an atmosphere of trust
- The body can amend (or clarify) RR in an orderly fashion, but cannot bend or break at will

Fundamental Principles of Parliamentary Procedure

- Courtesy to all
- One item at a time
- Rule of the majority
- Rights of the minority
- Justice for all
- Partiality for none

Basic Principles – A Closer Look

- Order
 - One piece of business at a time
- Equality
 - All members have equal rights, responsibilities
- Justice
 - Members have the right to be informed, ask questions, make motions

- Minority Rights
 - Dissenting members have equal rights to be heard and be allowed to persuade with the hope of becoming the majority
- Will of Majority Prevails
 - Power and authority of the organization is vested in its members. No individual has right to control decisions. Majority prevails and members are expected to accept the will of the majority.

- All members have equal rights, privileges, and obligations
- Rules must be administered impartially without regards to personalities and politics
- Minority/Absent rights must be protected
- Full & free discussion of all business items
- Use logic
- One topic at a time
- Inclusion of non-members

- One question at a time
- Must be recognized by the Chair to speak or debate or question
- Time limits on speaking
- Limitations on number of times to speak on same topic
- No personal attacks on individuals or motives
- Address all remarks to presiding officer
- Restate motions before voting to make sure everyone understands

Announcing the Vote

- Chair announces vote
- State if motion was carried/lost
- What is the effect/result
- What is the immediately pending question or business
- This helps to keep everyone informed and on task (aids minute taker)

Business that Doesn't need a Quorum present:

- Raise the question of a quorum
- Appeal from the decision of the chair
- Request for information
- Parliamentary inquiry
- Question of Privilege
- Request for permission to withdraw one's motion
- Recess
- Adjourn
- Others...

The Meeting

- Four Essentials
 - Call to Order
 - Minutes
 - New Business
 - Adjournment
- Parts to a Meeting
 - Opening
 - Business
 - Closing

Typical Order of Business (Agenda)

- Call the meeting to Order
 - Announce if Quorum is present
- Motion to accept Agenda or Change
 - Can use unanimous consent to adopt
- Reading/Adoption of Minutes
 - Any right from audience to correct
 - Can entertain a motion to dispense with reading and move right to vote (pre-read)

Existing Rules of Discussion

- How many times can each speaker talk on each debatable motion
- How many times can a speaker talk on topics
- What is length of speaking allowed
- Are there any limitations
- Who controls the procedures

Do you have Standing Rules

- These rules are adopted by an organization as the needs arise to provide procedures unique to the organization. Standing rules are kept separate from bylaws so that any one of them can be suspended by a two-thirds vote for the duration of a meeting but no longer. (allowed for in Robert's Rules)

What are your goals with Robert's Rules

- To give the fundamental right of a deliberative body or assembly to have all questions be thoroughly discussed before taking action.
- Is it too thorough (don't beat the dead horse)

Chair Responsibilities (cont)

- Pays attention to the discussion
- Clarifies and explains obscure points
- Takes the vote correctly
- Announces results of vote

Responsibility of Board Members

- While the meeting is Chair focused, it is Board Member driven.
 - Pay attention
 - Don't cut in
 - Be Concise in statements (make notes)
 - Model good RR behavior
 - Help each other out with reminders
 - Announce names of speaker for audio/recording audience

Some don'ts to consider

- Disengage from the conversation/topic
- Tune out
- Pontificate or repeat yourself/continually clarify (last word thing)

Discussion (Debate)

- Must be recognized by the Chair (from the floor or from Board)
- Obtain the floor and the right to speak
 - Under RR, standing while another is speaking or raising your hand means nothing unless asked to show support

Problems

- Speakers who “butt in” and/or speak out of order
- Members who debate “too early”
 - Cannot legally debate until the Chair has stated the Motion or Resolution, has a motion and a second and then calls for Discussion. Then debate occurs

- Can only discuss immediate issues/topic
 - Do not allow topic to digress
- Is there an allowance for discussion from the Audience?
 - This should be decided beforehand
- Call for the Question to vote
 - At end of Discussion
 - Or, to cut discussion off

Common Problems of Discussion

- What if Chair fails to recognize
- Speaking too many times
- Taking too long to speak
- Translation issues
- Board v Audience speaking
- Administrator or other staff who interject

Can you Change Robert's Rules

- If your organic documents require you to use Robert's Rules, you must do that
- You can change this requirement via procedures
- You **MUST** have something in place to replace
- You can clarify Robert's Rules as it applies to your organization

Motions

- Steps in Processing a Motion
- Obtain the Floor
 - Address the Chair
 - Assign the floor handling the motion
 - Make the motion
 - Second to the motion
 - State the motion
 - Debate the motion
 - Put the question up for vote
 - Announce the vote

Motions

- Types of Motions
 - Privileged
 - Subsidiary
 - Main
 - Incidental
 - Restoratory

Main Motion

- Brings business before the assembly
- Can be made only while no other motion is pending
- Can be written in the form of a resolution
- Two kinds
 - Original
 - Incidental
- Requires a 2nd
- Is debatable
- Can be amended
- Requires majority vote

Main Motion (cont)

- Motion clearly stated by member of the body
- Most common way to get business done
- I move that....
- Once seconded, the motion is pending until acted upon
- Can make amendments to motion and the amendment now ranks higher than the original motion
- This is the lowest ranking of any motions
- Purpose: To introduce new business

Subsidiary Motions

- 8 Subsidiary Motions
 - Lay on the table
 - Previous question
 - Modify debate
 - Postpone definitely
 - Commit
 - Amend
 - Postpone indefinitely
 - Main Motion

Subsidiary Motion (cont)

- Any motion to a main motion to change, stay, postpone, rescind, reconsider
- Can only be made when another motion ³⁷ is pending
- *Do not use as a stall/ignore/delay tactic

Subsidiary Motion (cont)

- Aid in handling or disposing of a Main Motion
- Postpone Indefinitely
 - Can't be amended
 - Requires a second
 - Is debatable
- To Amend
 - Strike/insert words
 - Add/delete words
 - Requires a second
 - Is debatable and amendable

Subsidiary Motion (cont)

- To Commit or to Refer
 - Refers to a small group to investigate question
 - Requires a second
 - Is debatable
 - May be amended
- Postpone to a Certain Time
 - Defer action on question to a particular hour, day, meeting, or event
 - Requires a second
 - Is debatable
 - Can be amended

Subsidiary Motion (cont)

- Limit or Extend Debate
 - Increase or reduce length/number of speeches
 - Requires a second
 - Requires 2/3 vote
 - Can be reconsidered
- Previous Question
 - Stops debate and vote is taken
 - Requires a second
 - Is not debatable
 - Requires 2/3 vote
 - Can not be amended

Subsidiary Motion (cont)

- Lay on Table
 - Lay a question aside temporarily in order to take care of a more urgent matter
 - Requires a second
 - Not debatable
 - Not amendable
 - Requires majority vote

Privilege Motions

- 5 Privileged Motions
 - Fix time to adjourn
 - Adjourn
 - Recess
 - Question of Privilege
 - Call for Order of the Day

Privileged Motion (cont)

- Matter of urgency or special importance
- Does not relate to any pending motion or business
- Allows current business to be interrupted
- Highest ranking motions in order of business
- Rare--don't abuse

Privileged Motion (cont)

- Call for Orders of the Day
 - Demand that assembly adhere to schedule
 - No second
 - Not Debatable
 - Not amendable
- Raise a Question of Privilege
 - Protect rights of individual members
 - No second
 - Not debatable or amendable

Privileged Motions (cont)

- To Recess
 - Provide for a recess while another question is pending
 - Requires a second
 - Not debatable
 - Is amendable
 - Majority vote
- To Adjourn
 - Close the meeting
 - Requires a second
 - Not Debatable or amendable
 - Majority vote

Privileged Motion (cont)

- Fix the Time to Which to Adjourn
 - Set up an adjourned meeting to continue the business of the current meeting
 - Requires second
 - Not debatable
 - Can be amended
 - Majority vote

Incidental Motion

- Types of Incidental Motions:
 - Objection to consideration of Question
 - Appeal the decision of the Chair
 - Suspend the Rules (requires 2/3 vote)
 - Division of the Assembly (demand a vote of every member before the final vote)
 - Withdraw a motion (only allowed if no objections)
 - Read the Papers (reading a relevant document)
 - Divide the motion (If capable of being divided)
 - Point of Order (Off of topic)
 - Point of Information (misunderstanding of topic/motion)
 - Point of Inquiry (misunderstand of procedure)

Incidental Motion

- Objection Issue-object to the consideration of a question
- Usually a 2/3 majority required
- BEFORE any debate or amendments
- Reading papers objection: Must vote on the allowance of reading of papers before they can be read

Incidental Motion (cont)

- Appeal
 - Permits assembly to sustain or reverse the Chair's ruling
- Object to Consideration
 - Raised against any original motion which a member ⁴⁹ considers to be inflammatory to the point that it shouldn't be discussed at all
- Suspend the Rules
 - Assembly wishes to suspend an adopted rule temporarily in order to accomplish some specific goal

Incidental Motion (cont)

- Requests
 - Incidental motions resolved without a vote and ordered by the Chair if no one objects
- Consideration by Paragraph of Seriatim
 - Seeks to consider a long/complex motion in parts
- Division of a Question
 - A separate vote is taken on each separate part unlike in Seriatim, where only discussion is broken into parts
- Division of Assembly
 - If a member has doubt about a voice vote this motion is made and the vote is counted

Incidental Motion (cont)

- Point of Information
 - Asks about parliamentary rules as they are related to the matter at hand
- Point of Order
 - Member may make this motion when he or she believes that there has been a violation of the rules or an error in procedure
- Withdraw
 - A member can ask to withdraw their motion or once motion is stated, assembly must vote to withdraw motion

Restoratory Motion

- Amend a Motion Already Adopted
 - Used when intent is to alter original motion, restores discussion on original motion
- Discharge a Committee
 - If committee has failed to report assigned tasks or if assembly wishes to drop matter or take action itself on the subject
- Rescind
 - Nullifies an adopted order
- Take from the Table
 - Motion that has been laid on the table remains there unless taken from the table by motion

Restoratory Motion (cont)

- Reconsider
 - Suspends all action on the main motion except on matters already implemented
- Ratify
 - Endorses action taken at a meeting where no quorum was present
- Renew
 - And defeated or withdrawn motion may be offered again – usually using different language
- Rescind and Expunge from Minutes
 - Records strong condemnation of that previous action

- The job of Robert's Rules is not limited to one person
- Self correct/awareness
- Assist others and self on the Board with reminders
- Even when disagreeing internally, all work together to implement via RR

Robert's Rules Cheat Sheet

To:	Say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Decided by:
Adjourn	"I move to adjourn."	No	Yes	No	No	Majority vote
Recess	"I move to recess for/until..."	No	Yes	No	Yes	Majority vote
Complain about hearing, comfort, etc.	"Point of privilege..."	Yes	No	No	No	Chair
End debate and vote on question	"I move the previous question."	No	Yes	No	No	Majority vote
Suspend further consideration of something	"I move to table this matter."	No	Yes	No	No	2/3 vote
Postpone deciding the question	"I move to postpone this matter until..."	No	Yes	Yes	Yes	Majority vote
Amend a motion	"I move to amend this motion by..."	No	Yes	Yes	Yes	Majority vote
Introduce business (a main motion)	"I move that..."	No	Yes	Yes	Yes	Majority vote

The motions and points listed above are in order of preference. When a motion or point of inquiry is pending, only those listed *above* the pending point may be raised.

To:	Say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Decided by:
Redress any violation of the body's Rules	"Point of order..."	Yes	No	No	No	Chair
Request information	"Point of inquiry..."	Yes	No	No	No	N/A
Verify a recent voice vote by actual count (before next motion only)	"I call for division."	Yes	No	No	No	Majority vote
Prevent body from considering a matter	"I object to considering this question."	Yes	No	No	No	2/3
Consider a suspended matter	"I move to take from the table..."	Yes	Yes	No	No	Majority
Reconsider a previous motion	"I move to reconsider..."	Yes	Yes	No	No	2/3
Consider something out of schedule	"I move to suspend the rules to consider..."	No	Yes	No	No	2/3
Vote on the Chair's decision	"I appeal the Chair's decision."	Yes	Yes	Yes	No	Majority

The motions and points above have no precedence. Any of them may be raised in response to any motion or question, with the exception of the **three items in gray** (motion to adjourn, motion to recess, and point of privilege)

MAIN MOTIONS

To Introduce New Business

Obtaining and assigning the floor

- A member raises their hand (or rises, depending on your rules) and waits to be acknowledged
- The chair recognizes the member by name

Note. It is never proper to raise your hand or rise to be acknowledged while another is speaking. If your point or motion is one of the kind that can interrupt the speaker, make your point or motion without waiting for recognition.

How the Motion is Brought Before the Assembly

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

Consideration of the Motion

- Members can debate main motions before the question is voted on or otherwise decided.
- Before speaking in debate, members must obtain the floor.
- The maker of the motion has first right to the floor.
- Debate must be confined to the merits of the motion.
- Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

- The chair asks: *Are you ready for the question?*
- If no one rises to claim the floor, the chair proceeds to take the vote.
- The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*
- Depending on your rules, some kinds of business may call for a vote by show of hands.

The chair announces the result of the vote.

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

If the count may be incorrect, a member calls for division

- If any member feels that the tally of voice votes is incorrect, they may call for division.
- Any call for division, unless the result of the previous vote was obvious (e.g. a unanimous or nearly-unanimous vote) must be honored.
- The chair will instruct the body on how to vote (e.g. by show of hands or by standing), and the body will vote accordingly.

WHEN DEBATING YOUR MOTIONS

- Listen to the other side
- Be polite
- Focus on issues, not personalities
- Avoid questioning motives

MOTIONS, GENERALLY

MAIN MOTION

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

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

AMENDING A MOTION

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

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

REFER TO A COMMITTEE

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

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

POSTPONE DEFINITELY

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

- After recognition, "Mister Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

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

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

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question. After recognition, "Mister President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Mister Chairman, I move to postpone the question indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Mister Chairman, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

MOTIONS, GENERALLY

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

PERMISSION TO WITHDRAW A MOTION

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

- After recognition, "Mister Chairman, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing, or the temperature in the room is uncomfortable, or some other concern.

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

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Mister Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules. E.g. a motion is passed without the right kind of vote, or a member is breaking the rules of debate.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INQUIRY

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

- Without recognition, "point of inquiry."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

MOTIONS, GENERALLY

APPEAL FROM THE DECISION OF THE CHAIR

The Chair has made a decision that you wish the body to vote on.

- Without recognition, "I appeal from the decision of the Chair."

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

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

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

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

PROCEDURE FOR HANDLING A MAIN MOTION

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

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

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

Consideration of the Motion

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

The chair puts the motion to a vote

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

The chair announces the result of the vote.

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

WHEN DEBATING YOUR MOTIONS

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

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

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

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

AMENDING A MOTION

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

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

REFER TO A COMMITTEE

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

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

POSTPONE DEFINITELY

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

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

PREVIOUS QUESTION

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

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

LIMIT DEBATE

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

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

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

ADJOURNMENT

You want the meeting to end.

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

PERMISSION TO WITHDRAW A MOTION

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

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

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

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

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

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

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

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

Public records + public meetings



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Haley Percell, Chief Legal Counsel

Elliot Field, Senior Assistant Legal Counsel



Attorney General's Public Records and Meetings Manual 2019

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Public Records



What is a public record?

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What is a public record?

“Public record” includes any writing that contains information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics. ORS 192.311.



What is a writing?

“Writing” means handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings. ORS 192.311.



Some documents may be exempt from disclosure-rare

- Conditional Exemptions – ORS 192.345

“Conditional” = exempt from disclosure **unless the public interest requires disclosure** in a particular instance.

- Regular Exemptions – ORS 192.355



What are public records—best practice assumptions

- Assume all your documents relating to District business are public records, regardless of whether an exemption applies.
- Assume all activities occurring on public equipment are public records.
- Assume any District business conducted on private devices are public records.
- Includes: handwritten notes, emails, electronic recordings, texts, etc.

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Record retention

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Oregon State Policy

ORS 192.001

(1) The Legislative Assembly finds that:

(c) ... [t]he state and its political subdivisions have a responsibility to ensure orderly retention and destruction of all public records . . . and to ensure the preservation of public records of value for administrative, legal and research purposes.



Record Retention Best Practices

- Conduct school business on District-owned equipment—computers/cell phones
- Conduct school business on District email addresses

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Record Retention Best Practices

- If you choose to engage in school business on your personal devices (computers/cell phones) make sure you are making an effort to retain records and provide them to the school for maintenance—these records belong to the school
- Be aware that if you choose to engage in school business on your personal devices, you are opening your personal devices up to potential inspection by others-record requestors, courts, attorneys, etc.



What must a district retain?

DIVISION 400

EDUCATIONAL SERVICE DISTRICTS, SCHOOL DISTRICTS, AND INDIVIDUAL SCHOOL RECORDS

166-400-0010 Administrative Records

166-400-0015 Curriculum and Instruction Records

166-400-0020 Property and Equipment Records

Page 5 of 264

166-400-0025 Financial Records

166-400-0030 Information and Records Management Records

166-400-0035 Library and Media Records

166-400-0040 School Administration Records

166-400-0045 Payroll Records

166-400-0050 Personnel Records

166-400-0055 Safety and Risk Management Records

166-400-0060 Student Education Records

166-400-0065 Transportation Records

DIVISION 450



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Record Retention and Destruction

OAR Chapter 166 – Division 400

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Record Destruction

It is a crime to knowingly destroy, conceal, remove, or falsely alter a public record without lawful authority.

ORS 162.305. Public record law



Record requests

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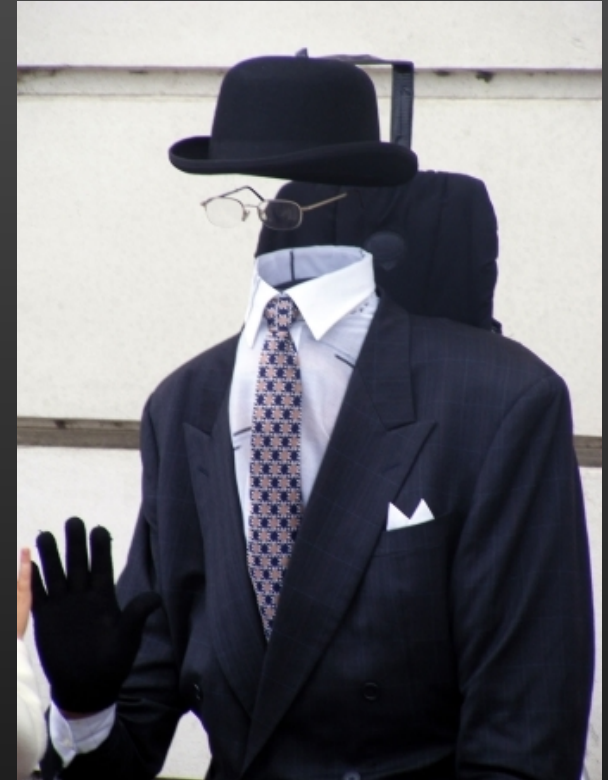


Who can request public records?

ORS 192.314 Right to inspect public records

(1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by [exemption statutes].

OPEN TO INSPECTION BY ANYONE!



What is the deadline to respond?

- School must acknowledge request within 5 business days. ORS 192.324.
- As soon as practicable after the initial 5-day response, and without unreasonable delay – no longer than **15 business days** after the original request – the district must either complete the records request or provide a written statement with an estimated completion date. ORS 192.329(5).



Special Rule for Elected Officials

The failure of an elected official to deny, grant, or deny in part and grant in part a request to inspect or receive a copy of a public record within **seven days** from the day of receipt of the request shall be treated as a denial of the request for the purpose of determining whether a person may institute proceedings for injunctive or declaratory relief.

ORS 192.418.



What happens if the school district denies a record request, does not timely respond, or does not fully respond?

Requestor may appeal the denial to the district attorney of the county in which the public body is located. ORS 192.415.



What happens if the matter is appealed to the district attorney?

- District attorney may require disclosure of nonexempt material responsive to the request. ORS 192.407(3)(a).
- District attorney may require the public body to pay a penalty of \$200 to the requester if the district attorney determines that the public body responded to the request with undue delay or failed to respond to the request. ORS 192.407(3)(b).



What happens if an elected official denies a record request, does not respond or does not fully respond?

- There is no option to appeal to the District Attorney if the record is a record of the elected official and not the District.
- “A person denied the right to inspect or to receive a copy of a public record may institute proceedings for injunctive or declaratory relief in the appropriate circuit court...”
- ORS 192.427



What happens if a requestor appeals a denial to the circuit court?

- The court has jurisdiction to enjoin the public body or elected official from withholding records and to order the production of any records improperly withheld from the person seeking disclosure.
- The burden is on the public body or elected official to sustain its action.
- ORS 192.431



What happens if a requestor appeals a denial to the circuit court?

- The court, on its own motion, may view the documents in controversy before reaching a decision.
- Any noncompliance with the order of the court may be punished as contempt of court.
- ORS 192.431



What happens if a requestor appeals to the circuit court?

- If a person seeking the right to inspect or to receive a copy of a public record prevails in the suit, the person shall be awarded costs and disbursements and reasonable attorney fees at trial and on appeal.
- ORS 192.431



Personal Liability for Individual Board Members?

Where the elected official denies the request, if the elected official loses in the circuit court, the elected official will be personally responsible for their own attorney fees and costs as well as the attorney fees and costs of the requestor.

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Questions?

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Public Meetings

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“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of [the Public Meetings Law] that decisions of governing bodies be arrived at openly.”

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ORS 192.620



All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690. (ORS 192.630)

Governing Bodies

The members of any public body which consists of two or more members, with the authority to make decisions for or recommendation to the public body on policy or administration. ORS 192.610(3)

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What about committees?

- Committees making recommendations to the Board must comply with public meetings,
- Committees making recommendations to the Superintendent generally do not.



What is a meeting?

- A quorum deliberating district business
- A quorum deciding district business



A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690. ORS 192.630



E-mail communications are subject to public meetings law

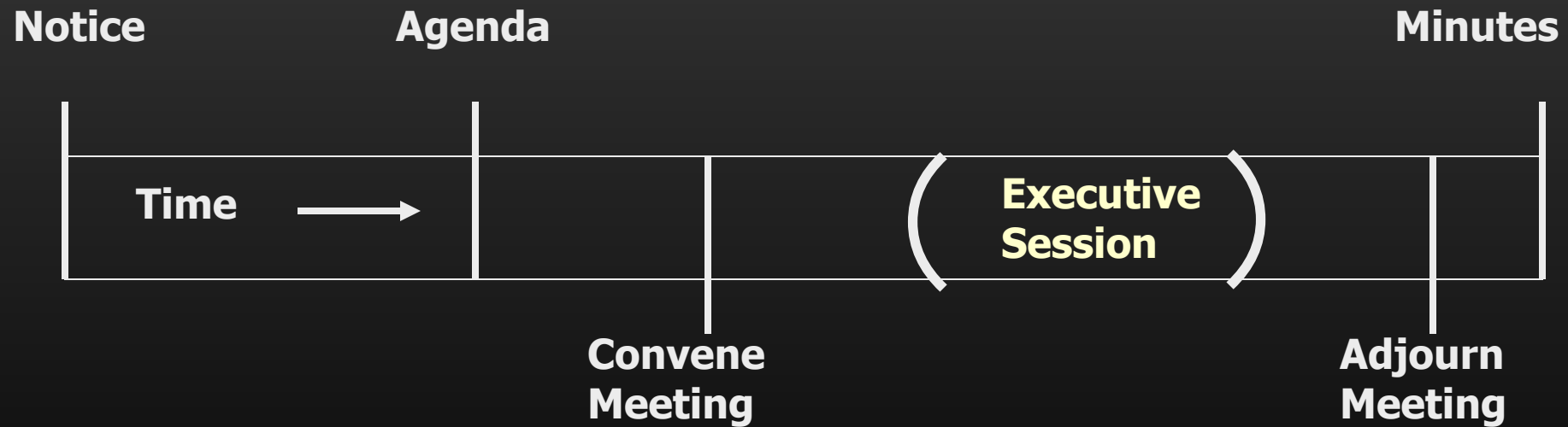
- Best Practice: Do not communicate with your fellow board members via email regarding substantive school matters

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Life of a public meeting



Notice

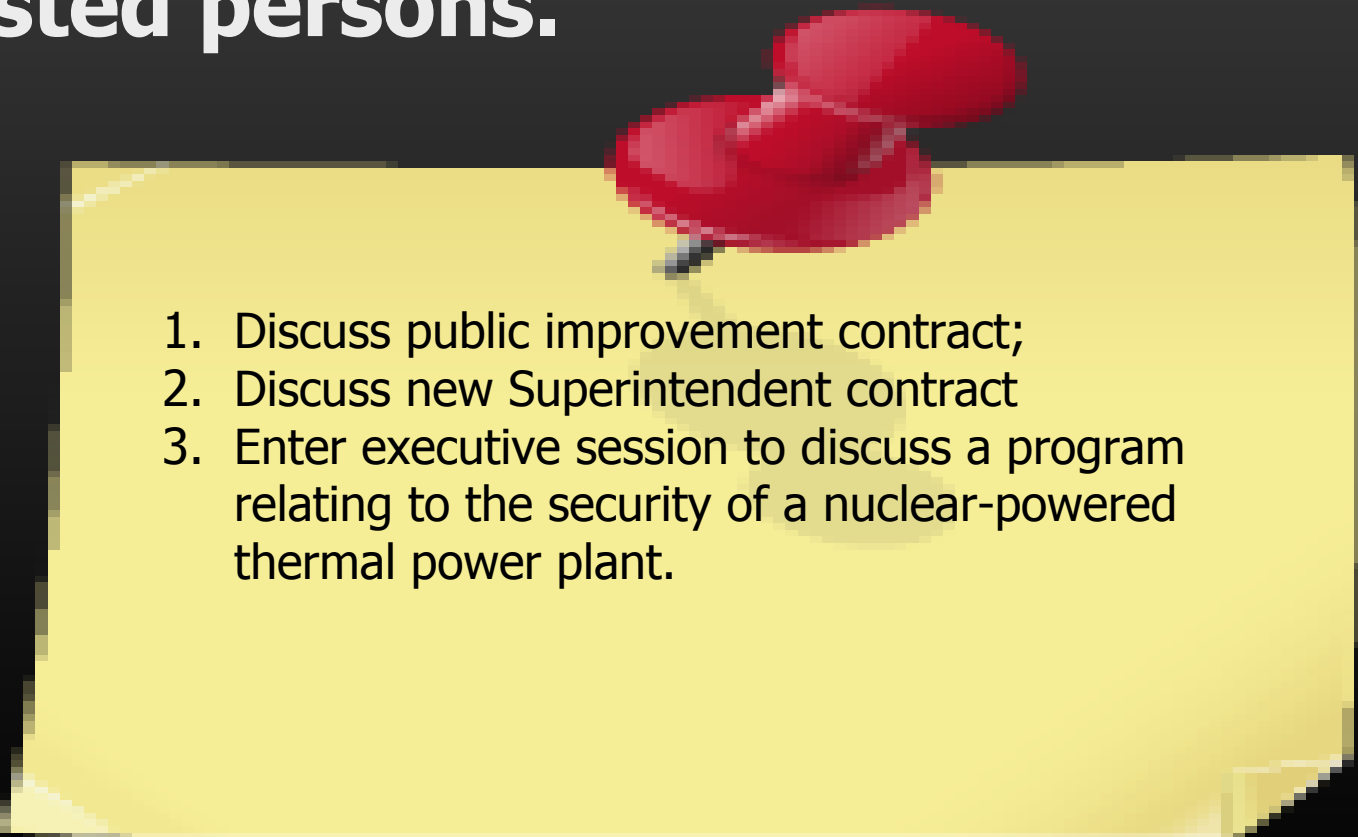
- **Must be “reasonably calculated “ to give actual notice to interested persons.**
- **Must include a list of the principal subjects anticipated to be considered.**
- **Ex: an agenda**

ORS 192.640.



Agenda

- **Reasonably calculated to give notice to interested persons.**

- 
1. Discuss public improvement contract;
 2. Discuss new Superintendent contract
 3. Enter executive session to discuss a program relating to the security of a nuclear-powered thermal power plant.



Time

- **Regular Meeting** – Within a “reasonable” amount of time of the meeting;
- **Special Meeting** – At least 24 hours in advance;
- **Emergency Meeting** – Such notice as is appropriate to the circumstances.
 - Minutes must describe the emergency justifying less than 24 hours’ notice.



Meeting Minutes

- **“A true reflection of the matters discussed at the meeting and the views of the participants.” ORS 192.650(1).**
- **All minutes or recordings must be available to the public “within reasonable time after the meeting.” ORS 192.650(1).**



Executive Sessions



Reasons to go into Executive Session (ORS 192.660)

- **District employees**
- **Labor negotiations**
- **Real property transactions**
- **Consult with legal counsel**
- **Consider exempt records**

Agenda - Executive Session Notice

- **Give notice of law authorizing executive session.**
- Example: “Pursuant to ORS 192.660(2)(h), the governing body will hold an executive session to consult with counsel concerning legal rights and duties with regard to current litigation.
- **Must also post for an open session after the meeting IF the board will make a decision after its discussion in executive session.**

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One more exception. . .

- Expulsion hearings or examination of confidential student records must be held in executive session unless the student or parent requests an open hearing.
- Board vote in executive session.
- ORS 332.061





MISTAKES

IT COULD BE THAT THE PURPOSE OF YOUR LIFE IS
ONLY TO SERVE AS A WARNING TO OTHERS.

5 Common Executive Session Mistakes

- “Oh, by the way”
- Superintendent or administrative contract discussions about salary and compensation
- General personnel matters
- Filling vacancy on the board, committee, or advisory group
- Voting
- Talking about meeting after the meeting



What can happen if the board violates public meeting law?

- **Aggrieved person can file a lawsuit in the circuit court**
- **Court can void board action**
- **Court can order the District or individual board members to pay for the aggrieved person's costs and attorney fees**
- **ORS 192.680**



What can happen if the board violates executive session law?

- **A complaint can be filed against individual board members with the Oregon Government Ethics Commission. ORS 192.685.**
- **If OGEC finds a violation, it may impose civil penalties not to exceed \$1,000 per violation. (if board member acts at direction of legal counsel, no civil penalty). ORS 244.350.**

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Questions

