

ORANGE COUNTY  
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: February 20, 2012

AGENDA ITEM No. 12-02-(2)-21

ACTION ITEM: (Y/N) Y

SUBJECT: Rules of Order Policy #2305 Revised – 1<sup>st</sup> Reading Approval

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ATTACHMENTS: 1. Rules of Order Policy #2305.

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**PURPOSE:** The purpose of this agenda item is to revise the current Rules of Order Policy #2305.

**BACKGROUND:** As part of legal counsel's review of policies related to Section 2000, Board Operation, revisions to Policy #2305 Rules of Order have been recommended. These revisions are designed to clarify rules of order during board hearings and to reflect actual practice.

Policy #2305 with suggested revisions made in bold type and strikethrough is provided for your consideration. These revisions have been reviewed by counsel.

**FINANCIAL IMPACT:** None.

**RECOMMENDATION:** The Superintendent recommends the Board of Education approve the revised Rules of Order Policy #2305 for 1<sup>st</sup> Reading Approval.

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*Rescinds Policy Number: BCBF**Issued: 09/01/1979*

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The transaction of business for the Orange County Board of Education meetings shall be according to Robert's Rules of Order, Revised except as indicated in the following:

**Addressing the Board** – All persons, including members or employees of the Board, may address the Board only upon permissions of the Board Chairperson. Such communication shall be made within the regular order of business except by suspension of the rules.

**Decorum** – When a person speaks to any question, he shall address himself to the Board Chairperson and confine his remarks to the point of issue. He shall refrain from discussing personalities.

**Motions** – Motions shall be subject to debate only after they have been seconded and announced by the Board Chairperson. The motion shall be put in writing at the request of any member. When a motion has been made and seconded, it may be withdrawn by the person making the motion at any time prior to the vote.

**Point of Order** – Board members shall not be interrupted while speaking except on a point of order. The member that is interrupted shall cease to speak until the point is decided.

**Limit on Debate** – The Board may limit debate on any issue to such time, as it may deem wise and expedient in the efficient conduct of its business.

**Reconsideration of Action** – No action by a majority vote of the Board at any regular or special meeting shall be reconsidered by the Board except on a vote of two-thirds of the Board, and no action previously taken or order issued by the Board by majority vote shall be rescinded at the same or any subsequent meeting except by two-thirds vote of the Board.

**Agenda** – The secretary to the Board, in consultation with the Board Chairperson, shall prepare the Board agenda for the meeting. Requests to have an item of business placed on the agenda must be received at least ten (10) working days prior to the meeting. Any Board member may by timely request have an item placed on the agenda. The Board may by two-thirds vote add an item not on the agenda.

**Presiding Officer** – The Chairperson shall preside at the Board meetings. In order to address the Board, a member must be recognized by the Chairperson. The Chairperson shall have the following powers:

- a. To rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes.
- b. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground.
- c. To entertain and answer questions of parliamentary law or procedure.
- d. To call a brief recess at any time.
- e. To adjourn in an emergency.

**Presiding Officer When the Chairperson is in Active Debate** – The Chairperson shall preside at Board meetings unless he becomes actively engaged in debate on a particular proposal, in which case he may designate another Board member to preside over the debate. The Chairperson shall resume the duty to preside as soon as action on the matter is concluded.

**Actions by the Board** – The Board shall proceed by motion. Anyone, including the Chairperson, may make a motion. A member may make only one motion at a time.

**Substantive Motion** – A substantive motion is out of order while another substantive motion is pending. This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

**Majority Vote** – A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by Board Policy or the laws of North Carolina.

**Debate** – The Chairperson shall state the motion and then open the floor to debate on it. The Chairperson shall preside over the debate according to the following general principles:

- a. The introducer is entitled to speak first.
- b. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- c. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

**Procedural Motions** – In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. The following enumeration of procedural motions is exhaustive; if a procedural motion is not on the list, it is not available:

- a. **To adjourn** – Privileged motion that is not debatable or amendable, and if it passes, the meeting shall adjourn immediately. The privileged motion to adjourn takes precedence over all motions except the privileged motion to fix the time to which to adjourn, but it is not in order while the Board is engaged in voting or verifying a vote, or before the result of a vote has been announced by the Chair.
- b. **To take a Recess** – Debate is allowed on the motion to take a recess. The motion is in order at any time. Therefore, the Board has the power to call a brief recess.
- c. **Call to Follow the Agenda** – This motion must be made at the first reasonable opportunity or it is waived. It may be debated, and it must be made as soon as an item of business that deviates from the agenda is proposed or the right to insist upon following the agenda is waived for the next item.
- d. **To Suspend the Rules** – Board meeting rules may be temporarily suspended by two-thirds vote of the Board.
- e. **To Defer Consideration** – A substantive motion that has been deferred expires 100 days thereafter unless a motion to revive consideration is adopted. May be debated and amended.
- f. **Call for the Previous Question** – This motion is not in order until there has been at least 20 minutes of debate, and every member has had an opportunity to speak once.
- g. **Postpone to a Certain Time or Day** – This allows the Board to defer consideration to a specified time or day. It is appropriate when more information is needed or the deliberations are likely to be lengthy.
- h. **To Refer to Committee** – Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure of the entire Board, regardless of whether the committee has reported the matter back to the Board.

- i. To Amend – An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion’s intent. This motion may be amended and an amendment may be amended, but no further amendments may be made.
- j. To Revive Consideration – This motion is in order any time 100 days after a vote to defer consideration.
- k. To Reconsider – This motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken. It cannot interrupt deliberation on a pending matter, but it is in order at any time before actual adjournment.
- l. To Rescind or Appeal – This motion is in order only for those matters adopted by the Board that may legally repealed or rescinded. It is not intended to suggest that the Board may unilaterally rescind a binding contract.
- m. To Ratify – This motion has the effect of ratifying that which the Board could have authorized.
- n. To Prevent Reconsideration for Six Months – This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a vote equal to the number required for a quorum. It is valid for six months or until a new Board member is appointed, whichever occurs first.
- o. Renewal of Motion – A motion is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.
- p. Withdrawal of Motion – A motion may be withdrawn by the introducer at any time before a vote.
- q. Duty to Vote – Every member, ~~except the presiding officer,~~ must vote unless excused by **majority vote or consensus of the remaining members present.** ~~The presiding officer shall vote in the case of a tie unless he should have already voted on the motion.~~ A member who wishes to be excused from voting shall so inform the Chairman ~~who shall take a vote of the remaining members present.~~ **in cases of a conflict of interest or where personal or other circumstances reflect that the member may not be able to objectively consider and vote on a matter.** In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. **Nothing in this policy prevents the Board, on proper motion and second, from excluding a member from voting in instances where the majority of the Board present determines that the member possesses disqualifying bias about a matter or is otherwise unable to objectively consider and vote on a matter.**
- r. Quorum – A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum.
- s. Public Hearings – Public hearings required by law or deemed advisable by the Board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing (refer to policy 2500, Hearings Before the Board; policy 2310, Public Participation at Board Meetings.)
- t. Minutes – Minutes shall be kept of all Board meetings.
- u. Appointments – The Chairperson shall make appointments to committees of the Board, etc.
- v. Reference to Rules of Order – To extent not provided for in Board Policy and these regulations, the Board shall refer to Robert’s Rules of Order, Revised for unresolved procedural questions.