

CLASSIFICATION: Bylaws of the Board

ADOPTED: 5/8/96
REVISED: 12/9/98
REPEALED: (DATE)

SUBJECT: Motions During Meetings of the
County Board of Education

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~~The County Board of Education (Board) is a legislative body of a local agency and functions as a formal board.~~

~~The President shall recognize members of the Board who desire to obtain the floor. Once the President has recognized the right of a member to speak, the President shall protect the speaker from disturbance or interference. The President, when the interest of the Board requires, may permit a member to be interrupted by another Board member.~~

~~A member called to order shall relinquish the floor unless permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate. If there is no appeal, the decision of the President shall be final.~~

~~All actions of the Board shall be taken by motion. Any action of the Board may be proposed by the motion of any member. Such a motion, if seconded by any member shall be on the floor and must be considered. If a motion is not seconded, the motion fails for lack of a second, and shall be so declared by the Board President. When the motion fails for lack of a second there will be no discussion on the motion.~~

~~A motion may be withdrawn by its maker at any time before adoption or rejection, with the consent of the second. Absent the consent of the second, the motion shall remain on the floor. The second to a motion may be withdrawn by the second at any time before adoption or rejection of the motion. Upon withdrawal of the second, the motion will be lost for lack of a second and so declared by the President unless seconded by another member.~~

~~When a question or "original motion" is under debate, no motion shall be received unless:~~

- ~~1. To adjourn (Not Debatable)~~
- ~~2. To lay on the table (Not Debatable)~~
- ~~3. To consider the previous question~~
- ~~4. To postpone to a certain date~~
- ~~5. To commit to committee~~

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~~6. To amend~~

~~7. To postpone indefinitely~~

~~These motions shall have preference in the above order.~~

~~A motion on the floor may be amended by motion at any time before adoption or rejection. If the motion to amend fails, the original motion will be voted upon. If the motion to amend passes, the amended motion is adopted and, thereafter, the original motion as amended, will be voted upon.~~

~~After a motion has been seconded, any member may discuss the subject of the motion. When no member wishes to discuss the motion further, the President shall call for a vote on the motion. At any time after a motion has been seconded, any member who has the floor may call for the question. The President may call for the vote if it appears that further discussion will be repetitious or that a majority of the members present concur in the call. A motion to consider the previous question shall preclude all amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote" or "call for the question". Before and after such a motion has been seconded, the president shall ask if there is any objection to closing debate. If member(s) object or try to get the floor, the president shall call for a second to the motion or call; or, if it has already been seconded, the President must immediately take a vote on whether to order the previous question or call. It requires a two-thirds vote to shut off debate and proceed to vote on the main motion.~~

~~At any time after a motion has been seconded, any member may move to table the motion. If the motion to table is seconded, the President shall forthwith call for a vote on such motion. A motion to table an item is not debatable and no further discussion or debate shall be permitted on either the original motion or the motion to table. If the motion to table does not pass, consideration of the original motion will continue. If the motion to table does pass, the original motion will remain on the floor but may not again be considered at that meeting unless a motion to remove the original motion from the table is passed. The original motion may then be considered and voted upon at the next~~

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DRAFT 12/5/16
BYLAW NO. 9341

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~~regular meeting of the Board unless again tabled. If not considered at such meeting it will be deemed lost. An adjourned meeting shall be considered a separate meeting for the purposes of this Bylaw.~~

~~A motion to commit to committee shall specify the purpose of the committee, the length of time the committee shall serve, and the times and methods by which the committee shall report to the Board.~~

~~A motion to adjourn or a motion to fix time of adjournment shall be decided without debate.~~

~~An item or matter which has been voted on by the County Board of Education (Board) will not be brought back to the Board for reconsideration by a Board member for a period of one (1) year from the date of the previous consideration, unless:~~

- ~~1. On motion of a Board member who voted in the majority when the item or matter was previously considered, a majority of the Board votes in favor of reconsideration; or~~
- ~~2. An emergency situation exists, as determined by the County Superintendent of Schools or a majority of the Board.~~
- ~~3. A new Board member has taken office either by an appointment or an election since the item or matter was previously considered.~~

~~A "point of order" by a member who thinks that the rules of the assembly are being violated, may be made by calling upon the President for a ruling and an enforcement of the rules. Generally, the President rules whether "the point of order is well taken" or "is not well taken." A majority of the Board may allow the improper action to go forward even if the point is "well taken." If the President takes no action and the meeting continues, the logical inference is that the point or order was either not well taken or, if well taken, the majority waived the irregularity.~~

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Derivation:

Reconsideration of Actions of the County Board of Education Adopted 5/8/96. Amended and Renamed 12/9/98. Repealed (DATE). See now Board Bylaw No. 9323.

Legal Reference:

Education Code

1000 et seq., 35145.5

Government Code

54950 et seq.

Attorney General Opinions

75 Ops. Cal. Atty. Gen. 89

Court Decisions

City of Pasadena v. Pain (1954) 126 Cal. App. 2d 93, 96

Rules of Procedure

San Diego County Board of Supervisors

Robert's Rules of Order, Newly Revised