

Memorandum

To: Honorable Judy Chu, Ph.D., Chair
Honorable Betty T. Yee, Vice-Chairwoman
Honorable Bill Leonard
Honorable Michelle Steel
Honorable John Chiang

Date: November 25, 2008

From: Kristine Cazadd
Chief Counsel 

Diane Olson
Chief, Board Proceedings

Subject: **Item M 1- Other Chief Counsel Matters - December 17, 2008 Board Meeting,
Discussion and Adoption of the Board's Updated Parliamentary Rules of Order.**

The Board Proceedings Division is in the process of updating and revising the *Board Meeting Reference Manual* and requests the Board's approval and adoption of the revised version of the Parliamentary Rules of Order contained in Attachment A for inclusion in the updated *Board Meeting Reference Manual*. Staff revised the Parliamentary Rules of Order by replacing the reference to the repealed Board of Equalization Rules of Practice with a reference to the current Board of Equalization Rules for Tax Appeals (Cal. Code Regs., tit. 18, § 5000 et seq.); and replacing the reference to *Robert's Rules of Order Newly Revised (1990 edition)* with a reference to the more current *Robert's Rules of Order Newly Revised (10th edition)*. Staff made minor grammatical changes and revised the references to Board Members, in order to conform to the references used throughout the updated *Board Meeting Reference Manual*. Staff also changed the name of the Rules of Order to the Parliamentary Rules of Order because the new name denotes the purpose of the rules. The revisions are illustrated in ~~strikeout~~ and underline format.

The *Board Meeting Reference Manual* is intended to be a working guide, that is, a useful "desk manual" for Board Members and Board staff who participate in Board meetings. It contains background information on the Board's tax and fee programs, and explains the processes, procedures, and practices for the conduct of the Board's business, including the organization of the Board, the establishment and operation of Board committees, and the conduct of Board meetings. The *Board Meeting Reference Manual* is based upon controlling constitutional, statutory, and regulatory provisions. The Parliamentary Rules of Order are intended to provide parliamentary rules for the orderly conduct of Board meetings by addressing procedural matters that are not covered by constitutional, statutory, or regulatory provisions, including the order of business during Board meetings and the manner in which the Board Members vote. The Parliamentary Rules of Order provide that *Roberts' Rules of Order Newly Revised (10th edition)* will be followed on questions of parliamentary procedure that are not addressed by constitutional, statutory, or regulatory provisions, or

the Parliamentary Rules of Order because *Roberts' Rules of Order Newly Revised* is a well-recognized authority on parliamentary procedure.

The Parliamentary Rules of Order are not regulations and do not supersede any constitutional, statutory, or regulatory provisions. The Parliamentary Rules of Order are only default parliamentary procedures that apply in the absence of controlling law, which the Board may suspend at any time. The failure to comply with the Parliamentary Rules of Order does not invalidate actions of the Board.

The Board Proceedings Division is authorized and required to periodically revise the *Board Meeting Reference Manual* in order to make sure it is current and it was last revised in February 2007. However, the Parliamentary Rules of Order require the Board to vote to adopt any amendments and it has not been revised since August 1996. Therefore, staff is presenting the attached revisions for the Board's consideration and recommends that they be adopted.

If you need more information or have any questions, please contact Tax Counsel III (Specialist) Bradley Heller at (916) 324-2657 or Chief of Board Proceedings Diane Olson at (916) 322-9569.

Approved:



Ramon J. Hirsig
Executive Director

KEC:BH:cme

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Attachment: A – Revised Parliamentary Rules of Order

cc: (w/ Attachment)

Mr. Ramon Hirsig	MIC: 73
Mr. David Gau	MIC: 63
Mr. Randy Ferris	MIC: 82
Mr. Dean Kinnee	MIC: 64
Mr. Todd Gilman	MIC: 70
Mr. Bradley Heller	MIC: 82

PARLIAMENTARY RULES OF ORDER*

A. PURPOSE OF THE PARLIAMENTARY RULES OF ORDER

In general, ~~the proceedings of the Board's proceedings~~ are governed by regulations found in ~~Title 18~~ California Code of Regulations, title 18, section 5000 5010 et seq. The Parliamentary Rules of Order are intended to provide for the orderly conduct of Board meetings and appropriate parliamentary authority in those procedural matters not covered by the Constitution, statutes or regulations.

B. DUTIES OF THE CHAIR

1. The Chair shall preside at all meetings of the Board. It is the responsibility of the Chair to conduct the meeting in an orderly manner.
2. In the absence of the Chair, the Vice-Chair shall preside and exercise all the powers and duties of the Chair. If there is a quorum present, and both the Chair and the Vice-Chair are absent, the Board Mmembers present may agree upon a Board Mmember to preside and serve as temporary Chair.
3. The Chair shall recognize other Board Mmembers who wish to speak.
4. The Chair has the same right to make or second a motion or to debate as the other Board Mmembers. The role of presiding officer need not be assigned to another Board Mmember while the Chair exercises these rights.
5. The Chair may ask whether there is a motion and a second to bring a matter to a vote, or may move or second a motion to bring a matter to a vote.

C. ORDER OF BUSINESS

The Chair will take up the items of business in the order listed in the published agenda. However, when the circumstances warrant, the Chair may modify the order of business.

D. OBTAINING THE FLOOR

A Board Member must be recognized by the Chair in order to speak on any matter or to make a motion.

E. MOTIONS

1. All motions by a Board Mmember require a second by another Board Mmember. If there is no second, the motion dies. However, raising a parliamentary question or point of order is not a motion, and therefore, does not require a second.
2. A Board Mmember may withdraw a motion or a second at any time before the roll call for the vote on that motion begins.

F. DEBATE

1. Discussion of a matter is permitted while no motion is pending.
2. Except as set forth in the regulations, until such time as a motion to vote on the pending matter has been made and seconded, any Board Mmember may be recognized and speak on a pending matter.
3. Debate shall be confined to the current matter pending before the Board.

G. VOTING AND CALLING FOR A VOTE

1. Unless there is unanimous consent, voting is by roll call.

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2. A motion calling for a vote on a pending matter is not in order until each Board Member who wishes to do so has had an opportunity to speak on the issue.
3. A motion calling for a vote is not debatable.

H. POINT OF ORDER

1. A point of order is the device used to require a deliberative body to observe its own rules and to follow established parliamentary practice. Any Board Member may raise a point of order at any time.
2. The Chair shall rule on a point of order.
3. The Board Members may challenge the Chair's decision regarding a point of order by putting the matter to a vote. The affirmative vote of a majority of a quorum will overrule the decision of the Chair regarding a point of order.
4. Before a decision is made regarding a point of order, any Board Member may request the advice or opinion of the Chief Counsel or the Chief Counsel's designee.

I. EXHIBITS

1. At the conclusion of debate, any materials presented by any party which have been marked as exhibit(s) during the pending matter and which the party elects to be entered into the record must be moved into evidence.
2. The Chair shall ask the parties if the exhibit(s) are submitted. Each party must make a motion to move the exhibit(s) into evidence.
3. If there are no objections, the exhibit(s) will be entered into evidence and made a part of the record of the pending matter.
4. If any Board Member or party objects to the admission of evidence, the question shall be discussed and voted upon pursuant to these Parliamentary Rules of Order.

J. COMMITTEE PROCEDURES

1. If a committee meeting is to be held, it should be scheduled in conjunction with a Sacramento Board meeting, absent exceptional circumstances (which shall be approved in advance by the Board).
2. Agenda items for ~~the~~ committee meetings are determined by the committee chair in consultation with the committee staff person. Board Members must submit agenda items for inclusion in the agenda to the committee staff person, in consultation with the committee chair. The committee staff person shall submit all agenda items, materials and exhibits to the Board Proceedings Chief for publication and distribution.
3. All committee minutes shall be submitted to the Board for approval at the Administrative Session of the Board meeting, discussed and voted on pursuant to these rules.
4. It is the Board Chair's prerogative to establish new standing advisory committees, subcommittees, or special advisory committees.

K. SUSPENSION OF THE RULES

Any Parliamentary Rule of Order may be suspended in connection with the consideration of a matter before the Board by the affirmative vote of a majority of a quorum.

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L. AMENDMENT OF THE RULES

Any Parliamentary Rule of Order may be amended at any regular meeting of the Board by the affirmative vote of a majority of a quorum, provided that notice of any proposed amendment is given pursuant to Government Code Section 11125.

M. CONTROLLING LAW

1. The ~~c~~Constitutional, statutory, regulatory, ~~and~~ case law of this state is controlling over any Parliamentary Rule of Order herein adopted. Where the Attorney General has issued opinions on a matter of Board procedure the Board will follow the Attorney General's advice.
2. When a question arises that is not covered by ~~c~~Constitutional, statutory, regulatory, or case law, opinions of the Attorney General, or the Parliamentary Rules of Order, Robert's Rules of Order Newly Revised (10th~~1990~~ edition) shall be the authority followed by the Board in so far as those rules are found to be applicable.
3. Failure to comply with the Parliamentary Rules of Order does not invalidate actions of the Board.

*Adopted by the Board on June 29, 1995; amendments adopted by the Board on August 22, 1996.