

# PROPOSED CHANGES FORM

## MVCC 2022 ELECTIONS AND BYLAWS COMMITTEE

*Submissions for proposed bylaws changes should be sent to the Chair in writing with ample time to review and place on the agenda - one week or more.*

### CURRENT LANGUAGE:

Standing Rule 9.8 of the August 2019 approved version reads:

A committee officer or designated stakeholder shall represent the minority position of each controversial motion or resolution considered by the Board via a minority report.

### PROPOSED LANGUAGE:

To leave it permanently removed from the Standing Rules

### RATIONALE:

See Attached Addendum

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SUBMITTED BY \_\_\_\_\_ Kathryn Wheeler \_\_\_\_\_

DATE \_\_\_\_\_ 1/31/22 \_\_\_\_\_

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## **WHAT IS A MINORITY REPORT?**

The only MVCC governing document that explains a “minority report” is Roberts’ Rules. And no MVCC governing document defines what constitutes a “controversial motion”. Robert’s Rules as well as the MVCC Bylaws consider a two-thirds vote the highest of majorities and is passed without question. Therefore, one could make the assumption that a “controversial motion” requires a larger than a one-third opposition.

Robert’s Rules governs the “assembly” and “committees” and “in ordinary assemblies, debates upon delicate and troublesome questions can be mostly confined to the committees.” In fact, the assembly should refer all matters that require deliberation and more information to a committee for a “committee report” on the matter before the assembly takes action.

The MVCC is based upon the assembly and committee structure where the committees debate, deliberate, and encourage all sides of a question with stakeholders in a public forum. After the vote, the majority opinion submits the required, “report of the committee” to the assembly for “consideration of adoption.”

The MVCC utilizes a “Motion Template” for committees to provide the information as the “report of the committee”. The “report of the committee” is considered “the report of the majority and is the report of the committee and should never be referred to as the majority report.” Submissions of the “report of the committee” to the MVCC Chairs is how the assembly (i.e., Board of Directors) receives information to consider the matter.

If a minority wishes to submit a report, “the reporting member should notify the assembly that the views of the minority will be submitted in a separate paper.” This “separate paper” needs to be submitted at the time of the committee’s submission (i.e., “report of the committee” via Motion Template) for the main body to hear.

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## ADDENDUM FOR 9.8

The minority report may be read after the motion has been brought forth if a motion is made to have the minority report read and no one objects. If there is an objection, the “chair should put the question to vote on its being received.” A majority vote is required to hear it and if read, it is read for “information only” and “cannot be acted upon unless it is moved to substitute” the committee’s submission/report.

In researching the actions of previous committees for multiple years, no ‘minority report’ was found. In fact, a previous PLUM chair who was initially concerned about removing 9.8 relented because he, in fact, had never submitted a written report. His main concern was to ensure that both sides of a PLUM issue were presented to the committee and the Board.

Robert’s Rules was written before there was The Brown Act. Due to The Brown Act, every side of an issue can be represented at all committee and board meetings. In fact, our committee meetings allow stakeholders to speak and vote on all motions before they are presented to the Board. And that vote count is required to be on “report of the committee” submitted before presentation to the Board.

Additionally, each Board member is responsible to outreach to the community regarding issues before them to see how the majority wishes them to vote. The vote count alerts every Board member of the need for additional outreach to stakeholders to ensure they are representing stakeholders.

Finally, as a practical matter, there are several things to consider:

- “Controversial” would need to be clearly defined before re-installing 9.8.
- There are no governing documents that inhibits the submission of a minority report
- The Brown Act allows free and open expression of stakeholder views at all MVCC meetings
- Requiring more paperwork for a volunteer organization that is already burdened with government requirements is onerous and not a way to encourage involvement