



Rent Stabilization Board

**DATE:** November 17, 2014  
**TO:** Honorable Members of the Rent Stabilization Board  
**FROM:** Members of the Budget and Personnel Committee  
**SUBJECT:** Recommended Revisions to the Rent Board's Meeting Procedures

**Recommendation:** That the Board adopt the revised "Board Meeting Procedures" proposed by the Budget and Personnel Committee.

**Background:** At the July meeting, the Board reviewed and discussed extensively the rules governing the conduct of business before the Board and the process for placing items on meeting agendas. Although no specific action was taken by the full Board, the Budget and Personnel Committee reviewed all of the comments and has unanimously proposed the attached changes to the existing "Board Meeting Procedures." Most of these changes are minor, intended to more accurately reflect the Board's actual practices, or for clarity. The Board's meeting procedures were last approved in November 1994. The new section on Committee Meetings sets out what until now have been the accepted but unwritten and less formal practices the Board follows when conducting committee work. The existing process for placing items on the agenda has also been clarified and is added under the section "Setting the Agenda."

We think it is important to note that while these procedures are derived from *Robert's Rules of Order*, strict adherence to *Robert's Rules of Order* has never been the Board's practice, nor should it be. The Committee felt that the rules we follow should allow for a fair, open and civil process that is not unduly burdened by a parliamentary procedure more appropriate for a large assembly. A majority of the Board can change the rules at any time.

The proposed revisions are attached. Additions to the exiting Board procedures are in **BOLD**, deletions are in "strike-out" format.

**Contact Person(s) and Phone Number:**

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RENT STABILIZATION BOARD  
City of Berkeley  
BOARD MEETING PROCEDURES  
*Adopted November 1994*  
*Updated November 2014*

*These procedures are adapted from Robert's Rules of Order. The Board may modify these rules at any time by a majority vote.*

**REGULAR AND SPECIAL MEETING OF THE FULL BOARD**

DEBATE AND VOTING

1. Order of Debate. The chair will call upon individual Board members and give them the floor in the order that members have raised their hand to indicate a desire to speak. Since several hands may be raised at once on either side of the Chair, the Chair's determination is final in determining order of debate.
2. It is not necessary for all Board members to speak. It is not necessary for every member to speak, or give their viewpoints on every issue or item on the agenda, especially if their concerns have already been addressed by other Board members. On critical or significant issues, all members will undoubtedly want to indicate individual opinions on the issue but Board members should avoid repetitious debate and should strive to move the debate along promptly.
3. When an agenda item is called, the Chair will call for a staff report. After the staff report, the Board members may ask staff brief questions to clarify facts, but, if there is public input, should not engage in discussion or debate of the issue prior to any public input.
4. Preliminary straw votes. At the conclusion of public input and during the debate the Chair may request preliminary straw votes if it will assist the Board in framing motions.
5. The Board shall debate and discuss issues audibly. Board members should speak clearly into the microphone and avoid "off-mike" and individual conversations during public input and debate.
6. The Chair may move, second and debate from the chair, subject only to these rules. The Chair shall not be deprived of any of the rights and privileges of a Board member. The Chair customarily will take the floor after other Board members who wish to have spoken.
7. Division of a motion. If a motion contains two or more divisible parts, each of which is capable of standing as a complete motion, the Chair may, and upon request of a member shall, divide the same.

8. Withdrawal of motion. A motion may not be withdrawn by the maker without the consent of the Board member seconding it.
9. Correction of a vote. Board members may correct an erroneously cast or recorded vote before the next item on the agenda is called.
10. Voting. On the passage of every motion, the vote shall be taken by voice or roll call vote, determined by Chair, and entered in full upon the record. It is recommended, for record keeping purposes, that a roll call vote be taken when voting on resolutions, fees, budgetary matters, appeals and other action items as deemed appropriate by the Chair.
11. Silence during a voice vote constitutes an affirmative vote. Board members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Board members have stated in advance they will not be voting.
12. Abstention from vote. A Board member may abstain from voting on any issue, and shall state for the record his or her reason for abstaining. A Board member should abstain from voting on an issue if there is a real or perceived ethical conflict of interest. Abstentions do not change the number of votes required for a motion to pass. An abstention for reasons of legal disqualification to vote shall not be counted for any purpose. Non-legal abstentions for personal reasons (such as friendship or appearance) shall be stated with the reason for the abstention and shall not count for any purpose other than a quorum.
13. Not participating - recusals. A Board member who has disqualified (recused) himself or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the discussion or the vote, or attempt to influence the vote in any way. **Commissioners are expected to be familiar with Berkeley's conflict of Interest Code and the Political Reform Act of 1974, and are encouraged to discuss any potential conflict with the staff attorney prior to the meeting.**
14. Tie votes. Tie votes generally mean that no action has been taken on a matter. In the case of an appeal, a tie vote generally signifies that the underlying action stands. Tie votes may be reconsidered on a motion by any member of the Board before the next item on the agenda. In the event of a tie vote, any member of the Board may make a motion to continue the matter to another date. Any continuance shall suspend the running of any time in which action of the Board is required by law. Nothing herein shall be construed to prevent any Board member from agendizing placing a matter which resulted in a tie vote for on a subsequent agenda meeting.

15. Motion to reconsider. A motion to reconsider any action taken by the Board may be made only during the meeting when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. Such motion must be made by a Board member who was on the prevailing side, but may be seconded by any Board member. A motion to reconsider may be made at any time during the meeting and shall have precedence over all other motions. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.
16. Appealing the decision of Chair. The Chair shall decide all questions of debate and voting procedure; subject to appeal by a Board member to the whole Board. When in doubt, the Chair may submit the question to the Board, in which case a majority vote shall prevail. Any procedural decision or ruling of the Chair may be appealed by request of any member. The Chair shall call for a roll call to determine if the Chair's ruling shall be upheld. If said vote passes or results in a tie vote, the Chair's ruling shall stand. If said vote fails, the decision or ruling of the Chair is reversed.
17. Getting the floor. Every Board member desiring to speak shall raise their hand and, upon recognition by the Chair, every Board member shall focus their remarks to the question under debate, avoiding disrespectful remarks or body language.
18. Interruptions. Except for being called to order, a Board member once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Board member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Board member shall be permitted to proceed.
19. There shall be no voting by secret ballot.

#### MOTIONS

1. The Chair shall ensure that all motions are clearly stated. Before allowing debate to begin and immediately before a vote is taken, the Chair shall insure that all motions are clearly stated. The Chair may request a Board member to restate a motion for clarification, may restate the motion or ask staff to restate the motion.
2. Motions defined. The following motions may be made by the Board:
  - a. The main motion. A main motion is a motion on the issue before the Board. It needs a second, is amendable **with the consent of the maker and seconder** ("friendly amendment"), and is debatable.

- b. Substitute motion. A substitute motion may be offered on an issue if the maker and seconder of the main motion do not accept a friendly amendment, or to propose an entirely different action. The motion requires a second, is amendable with the consent of the maker and seconder ("friendly amendment"), and is debatable. There may be only one substitute motion considered at a time. A vote is taken on the substitute motion first. If that substitute motion fails, another substitute motion may be proposed. If no other substitute motion is proposed, a vote is taken on the main motion. If the substitute motion passes, no vote is taken on the main motion.
- c. Fix the time to which to adjourn the meeting to another date. A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned. The purpose is to set a time for continuation of the meeting to another date.
- d. Motion to adjourn the present meeting. This motion requires a second and is not debatable. A motion to adjourn shall be in order at any time, except as follows: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) when the question has been called; and (4) while a vote is being taken.
- e. Motion to take recess. A motion to take a recess requires a second, is amendable but is not debatable. The purpose is to interrupt the meeting for a brief recess.
- f. Motion to raise a question of personal privilege. A motion to raise a question of personal privilege takes precedence over all other motions. The right of a Board member to address the Board on a question of personal privilege shall be limited to cases in which the Board member's integrity, character or motives are directly questioned by another Board member during debate. The maker of the motion may interrupt another speaker if the Chair recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.
- g. Motion to call for the order of the agenda. A motion to call for the order of the agenda does not require a second, is not amendable and is not debatable. The purpose is to require adherence to the order of the agenda.
- h. Motion to lay on the table. The purpose is to interrupt discussion of the item at hand for more urgent business or to end consideration of an item without action. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the

subject is tabled, the matter may be taken from the table at any time prior to the end of the meeting.

- i. Motion to call the question. The purpose of this motion is to close debate on the pending motion. **To make a motion to call the question, the Board member must be recognized by the Chair.** A motion to call the question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion fails, debate is reopened; if the motion passes, then the Board votes on the pending motion. A motion to call the questions requires a **two-thirds** vote of those Board members present and voting.
- j. Motion to continue to a certain time. A motion to continue to a certain time is amendable and is debatable as to propriety of postponement and time set. Purpose is to continue the matter to another specified time.
- k. Motion to refer. Motion to refer to a City agency, body, committee, board, commission or staff. A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. Purpose of the motion is to send subject to another city agency, body committee, board, commission or staff member for further study and report back to the Board, at which time the subject is fully debated.
- ~~l. Motion to amend or substitute. A motion to amend a motion or to substitute one motion for another requires a second, is amendable, and is debatable only if the motion to which it applies is debatable. A motion to amend an amendment is also in order. An amendment can modify a motion but should not raise an entirely different or independent question. An amendment must be relevant to the main motion. Amendments take precedence over the main motion. Amendments to amendments are voted first, then the amendment. If approved, the main motion is amended.~~

#### CLOSED SESSION

1. Purpose. It is the policy of the Board to conduct its business in public to the greatest extent possible. However, the Board recognizes that, in certain limited circumstances, public discussion jeopardizes the public interest, compromises the Board's position, and could cost the Rent Program a significant amount of money. Therefore, closed sessions, Board meetings not open to the public, will be held as necessary and in accordance with applicable state laws.
2. Rule of Confidentiality. The Board recognizes that breaches in confidentiality can severely prejudice the Board's position in litigation,

potential litigation and other negotiations. Further, breaches of confidentiality can create a climate of distrust among Board members and can harm the Board's ability to communicate openly in closed sessions, thereby impairing the Board's ability to perform its official duties.

The Board further recognizes that confidentiality of discussion and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the Board will adhere to a strict policy of confidentiality of closed sessions with authorized disclosure in strict compliance with the state's Brown Act.

### **SETTING THE AGENDA**

- 1. The Chair, in consultation with the Executive Director, shall be responsible for setting the agenda.**
- 2. Any individual commissioner may place an item on any Board agenda subject to the following:**
  - a) The item must be submitted to the Executive Director by the deadline established for placing items on the agenda, which is Tuesday at noon prior to a regular Monday meeting. For meetings not on a Monday, the deadline is seven days prior to meeting at noon, unless otherwise established by the Chair and the Executive Director.**
  - b) The item must be presented in writing, preferably as a part of the agenda packet that is sent out at least 72 hours before the meeting.**
  - c) If the item has not been referred to a committee previously, the Board will decide if it is an appropriate issue for the Rent Board, and if so, whether it should be discussed at the time or referred to a committee first.**
  - d) A time limit may be established for the committee to report back to the full Board. If the committee does not make a recommendation or report back by the deadline established by the Board, the item will be placed on the next full Board agenda. If the committee cannot reach a majority position on an item, the item may be returned to the full Board by any commissioner or the Executive Director.**
  - e) An item on an issue that has not been to a committee or before the full Board previously requires at least two sponsors to place it directly on the action agenda.**
  - f) Any item may be moved from information to action at the Board meeting by consent of the Board, or if there is an objection, by a majority of the Board.**

## COMMITTEE MEETINGS

1. The purpose of a committee is to obtain all of the relevant information on the issues before it, and to fully discuss and debate them before reaching a decision and/or referring the issue to the full Board. As such, the procedures in committees are less formal than those of the full Board:
  - a. The chairperson is expected to fully participate in the discussion.
  - b. Efforts to restrict the expression and debate of minority viewpoints are not allowed, including Calling the Question to end debate.
  - c. No motion is required to discuss an issue.
  - d. A motion to reconsider can be taken up at any time, regardless of when the motion was made, and there is no limit to the number of times it can be reconsidered.
  - e. Members of the public may be allowed to participate in the discussion of a particular issue outside of public comment if a majority of the committee agrees.
2. The committee shall elect a chairperson, who will be responsible for setting the agenda, in consultation with the staff person assigned to the committee.
3. Each committee should attempt to establish a regular monthly meeting time.
4. The time for the next committee meeting should, if possible, be confirmed or established before the current meeting is adjourned. Staff will officially notify all committee members of the date and time of committee meeting via email as soon as possible after the time is set.