

## LEGAL and GOVERNANCE CORNER

Amending a motion:

At the most recent Business Committee meeting we took a brief pause (thank you for that) to determine the correct process in determining whether a motion to amend is in order. This specific process is an example of where our policies differ from Robert's Rules. Given this I thought it would be useful to provide an outline of what the process looks like given it likely went by quickly.

In Robert's Rules an amendment need only be "germane" to a motion to be in order. Specifically, Robert's Rules states on page 136 "... An amendment cannot introduce an independent question; but an amendment can be hostile to, or even defeat, the spirit of the original motion and still be germane."

Policy 2.5.1P states:

To provide for the fair, open, orderly and efficient conduct of the Board's business, Board Meetings shall be conducted according to Robert's Rules of Order (Newly Revised). The following procedures supersede or are not addressed by Robert's Rules of Order...

2.5.1.15 addresses amendments as follows:

- 1. Any amendment to a main motion is proper as long as it does not change the basic intent of the motion.**
2. Only one amendment can be on the floor at any one time. When it has been disposed of, another amendment can be offered or a vote taken on the main motion.
3. When an amendment is offered, the Chair must ensure that all trustees are clear about the intent of the amendment before a vote is taken on the amendment.
4. Only one amendment to an amendment shall be allowed and the same shall be dealt with before the amendment is decided.

Clearly, 2.5.1 – 15.1 takes precedence over Robert's Rules of Order. Unfortunately, this leaves the open question of who gets to determine the "basic intent of the motion". For instance, the following motion is made: "That the BOE support baseball and apple pie." An amendment is made to make the motion "That that the Board support Little League Baseball and organic apple pie." Whose job is it to determine whether the basic intention is not changed? Given that a motion is the property of the Board once it is seconded there is some risk of relying on the intent of the mover rather than the basic wording of the motion. Interestingly, I note that in 2.5.1 15.3 the Chair is required to ensure that trustees are aware of the intent of the amendment. However, there does not appear to be a similar requirement that the Chair ensure that there is an understanding of the main motion.

Ultimately, this issue is unlikely to arise much. However, given the perhaps unfair position that the Chair is put in to determine "intent" and the additional influence the mover has over amendments by virtue of arguing intent, the Board may wish to revert to Robert's Rules on this particular issue as it examines policies.