

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Fort Pierce Mayor and Commissioners (*via email*)

FROM: Robert V. Schwerer, City Attorney

SUBJECT: Vote on Reimbursement of Legal Expenses for
Commissioner Becht and Commissioner Perona

DATE: December 23, 2015

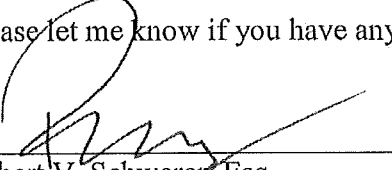
At the regular meeting of City Commission on December 21, 2015, there was discussion concerning the vote taken on motions made to approve reimbursement of legal expenses for Commissioner Becht and Commissioner Perona involving their Ethics Commission cases. At the time, I opined that the motions did not pass because they were not approved by a majority of the members present. However, such opinion was based on the rules which govern voting on legislative matters.

In accordance with Section 2-29(b) of the City Code, in all regular matters coming before the Commission, the parliamentary conduct thereof shall be governed by Robert's Rules of Order, as revised, except as otherwise provided by state law, the charter or ordinances of the City. On non-legislative matters, "majority vote" under Robert's Rules of Order means that more than half of those voting approve a motion. More specifically, it means that more than half of the votes cast by persons legally entitled to vote at a properly called meeting with a quorum present approve a motion. Abstentions do not count. See § 44 of Robert's Rules of Order (Revised), attached and highlighted.

Accordingly, by this rule, those voting – not necessarily those present – determine the majority. Therefore, the motions that were made and properly seconded authorizing reimbursement to Commissioner Becht and Commissioner Perona passed by majority vote.

Fort Pierce Mayor and Commissioners
December 23, 2015
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Please let me know if you have any questions concerning the above.



Robert V. Schwerer, Esq.
City Attorney

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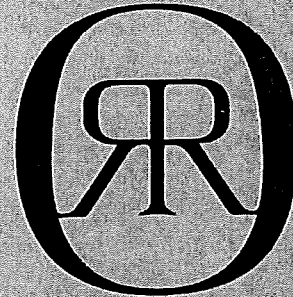
Attachment

cc: Nicholas Mimms, City Manager (*via email*)
Johnna Morris, Finance Director (*via email*)

ROBERT'S RULES OF ORDER NEWLY REVISED

10TH EDITION

HENRY M. ROBERT III, WILLIAM J. EVANS
DANIEL H. HONEMANN, THOMAS J. BALCH



THE ONLY CURRENT AND AUTHORIZED EDITION OF
THE CLASSIC WORK ON PARLIAMENTARY PROCEDURE

CHAPTER

XIII

VOTING

§44. BASES FOR DETERMINING A VOTING RESULT 1

Majority Vote—the Basic Requirement

As stated on page 4, the basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a *majority vote*. The word *majority* means “more than half”; and when the term *majority vote* is used without qualification—as in the case of the basic requirement—it means more than half of the votes cast by persons legally entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum (40) is present. For example, at such a meeting (assuming that there are no voters having fractions of a vote, as may occur in some conventions): 15

- If 19 votes are cast, a majority (more than 9½) is 10.
- If 20 votes are cast, a majority (more than 10) is 11.
- If 21 votes are cast, a majority (more than 10½) is 11.

Other bases for determining a voting result, as described below, are required under parliamentary law for certain procedures, or may be prescribed by the rules of the particular body—for decisions in general or for questions of a specified nature (see also Standard Characteristic 7, pp. 98–99). 25