

Mary L. Randolph, PRP, CPP-T
Professional Parliamentarian

10491 E State Route 106
Union, WA 98592

E-mail: mlrandolph@msn.com
Phone/Fax: 360-898-2712

Parliamentary Opinion
For the
Renton Library Board

Inquiry:

1. What is the quorum in a defined board with vacancies unfilled?
2. What is the vote requirement for action by the board?

Facts:

1. The Renton Library Board is composed of seven (7) members under Renton Municiple Code Chapter 13.
2. The youth position has been vacant since August 2008.
3. Another regular member has tendered a resignation and there is no confirmation as to whether or not action has been taken on this resignation.
4. The parliamentary authority under Ordinance 5155, 9-26-05 is the current edition of *Robert's Rules of Order*.
5. The board recently met and transacted business with only three (3) members present.

Research:

The following information obtained from Washington State RCWs, the Renton Munciple Code, and the Chapter 13 Section 2 of that document.

1. The Renton library is authorized unter Washington State RCW 35A.27.010 and established uner the Renton Munciple Code Chapter 13. (Ord. 5155,9-26-05)
2. Section 2-13-4 Appointments: The board shall consist of seven (7) members appointed by the Mayor, subject to the confirmation by a majority of the members of the City Council. One member shall be a youth representative.
3. Section 2-13-5 Terms: Terms shall be for five (5) years from the date of appointment except for the youth member who shall serve for two years.
4. Section 2-13-5 Vacancies: A vacancy occurs whenever a board member absents himself or herself for three (3) consectutive regular meetings of the Board or an aggregate of five (5) regular and/or special meetings in a single year, unless the absences are excused by action of the remaining members.
5. Section 2-13-5 Vacancies: Authorizes removal of a member at any time by the appointing authority and that the vacancy be filled in the same manner as the original appointment for the remainder of the term. (Ordinance 5155, 9-26-15)
6. Section 2-13-6 Meetings and Quorum: The board shall have regular monthly meetings and that a majority of the Library Board shall constitute a quorum for transaction of business, and a majority vote of those present shall be necessary to

carry any proposition. (Ord. 5155, 9-26-05) The board is also authorized to hold special meetings as may be needed.

7. The basis for the resignation of the board members was not defined and therefore the determination of whether the resignation was due to lack of attendance or personally requested has not been determined.

Discussion:

The Renton Muncipale Code creates the Renton Library Board as a defined composition of seven members and is therefore a legally fixed membership. The parliamentary authority according to city ordinance is *Robert's Rules of Order Newly Revised*, 10th edition (referred to as *Robert*).

The quorum is the minimum number of members that must be present to *legally* transact business. Section 2-13-6, establishes the quorum of the board as a majority of the members of the board. With a fixed membership, the quorum is not adjusted according to those currently in office; therefore, the quorum is established at four (4) members. *Robert*, in a footnote on page 390, gives the following example, "... [I]n a board whose membership is legally fixed at 12, if 2 members have died and their successors have not been named, a majority of the entire membership is 6, and a majority of the fixed membership is 7. When a majority of the fixed membership is required for a decision, the body cannot act if half or more of the membership positions are vacant." According to ordinance 5155, 9-26-05, a quorum being present, the vote required for action is a majority of those present. This means that an affirmative vote of at least three (3) members will be necessary to adopt an action of the board at this time.

Opinion:

The opinions stated herein are based on general parliamentary principles of parliamentary law, information provided by the inquiring source, and *Robert's Rules of Order Newly Revised*; nothing in this opinion should be construed as interpretation of statutory law.

Due to the fact that the board is a fixed membership board, it is my opinion that the Renton Library Board must have at least four (4) members present to conduct legal business. A vote of the majority of those present, with the existing limited quorum, would require action by an affirmative vote of three (3) members to take an action on behalf of the library board.

Recommendation:

It is my recommendation that the appointing body proceed to fill the current vacancies in a timely manner to facilitate the ability of the library board to act in compliance with their established duties.



Mary-L. Randolph, PRP, CPP-T