



# WORKSOURCE GEORGIA ACADEMY

Presented by



# HOW TO RUN A BOARD MEETING:

*Sunshine Provisions, Robert's Rules, & WIOA*

**David Dietrichs**

*Compliance & Legal  
Affairs Director*

**Jamie Jordan**

*Programs & Business  
Services Director*

# WORKFORCE INNOVATION AND OPPORTUNITY ACT SUNSHINE PROVISION APPLICABILITY TO LOCAL BOARDS

- SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding:
  1. The local plan, prior to submission of the plan;
  2. Membership;
  3. The designation and certification of one-stop operators;
  4. The award of grants or contracts to eligible providers of youth workforce investment activities; and,
  5. Minutes of formal meetings of the local board if requested.

*WIOA Sec. 107(e)*

# WORKFORCE INNOVATION AND OPPORTUNITY ACT SUNSHINE PROVISION REGULATORY LANGUAGE

- How does the Local Workforce Development Board meet its requirement to conduct business in an open manner under the “sunshine provision” of the Workforce Innovation and Opportunity Act?
- The Local WDB **must conduct its business in an open manner** as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the Local WDB. This includes:
  - a) Information about the Local Plan, ***or modification to the Local Plan***, before submission of the plan;
  - b) *List and affiliation of Local WDB members;***
  - c) Selection of one-stop operators;
  - d) Award of grants or contracts to ***eligible training providers of workforce investment activities*** including providers of youth workforce investment activities;
  - e) Minutes of formal meetings of the Local WDB; and
  - f) *Local WDB by-laws, consistent with §679.310(g).***

# APPLICABILITY OF GEORGIA OPEN MEETINGS ACT

- All Local Elected Official Board meetings shall be conducted in accordance with federal sunshine laws and the Georgia Open Meetings Act.
  - *Ga. Comp. R. & Regs. r. 159-2-1-.04(6)[Soon to Replaced]*
- All Local Workforce Development Board meetings shall be conducted in accordance with federal sunshine laws and the Georgia Open Meetings Act.
  - *Ga. Comp. R. & Regs. r. 159-2-1-.05(7)[Soon to be Replaced]*
- Repeal and Promulgation currently posted on TCSG's website for public comment. Public comment ends on September 12<sup>th</sup> approximately.

# GEORGIA OPEN MEETINGS ACT - WHAT CONSTITUTES A MEETING?

- (A) "Meeting" means:
  - (i) The **gathering of a quorum** of the members of the governing body of an agency **at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon;** or
  - (ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

# GEORGIA OPEN MEETINGS ACT - WHAT CONSTITUTES A MEETING? PT. 2

- (B) "Meeting" shall **not** include:
  - (i) The gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken;
  - (ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;
  - (iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;
  - (iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or
  - (v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum. This subparagraph's exclusions from the definition of the term "meeting" shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

O.C.G.A. 50-14-1(a)(3)

# GEORGIA OPEN MEETINGS ACT - BOARD MINUTE AND MEETING NOTICE REQUIREMENTS

- The time, place, and dates of regular meetings shall be available to the general public and a notice containing such information shall be posted **at least one week in advance** and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting as well as on the agency's website, if any.

O.C.G.A. 50-14-1(d)

- Prior to any meeting, the agency or committee holding such meeting **shall make available an agenda** of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site as far in advance of the meeting **as reasonably possible**, but shall **not** be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting **shall not** preclude considering and acting upon such item.



# GEORGIA OPEN MEETINGS ACT - BOARD MINUTE AND MEETING NOTICE REQUIREMENTS (PT.2)

- **A summary** of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection **within two business days** of the adjournment of a meeting. The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but **in no case later than immediately following its next regular meeting**; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not.
- Such minutes shall, at a minimum, include:
  - The names of the members present at the meeting; a description of each motion or other proposal made; the identity of the persons making and seconding the motion or other proposal; and a record of all votes. **The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.** (IMPORTANT for Recusal and Conflict of Interest Purposes)

O.C.G.A. 50-14-1(e)

# DISTINGUISHING LOCAL ELECTED OFFICIAL (LEO) AND LOCAL WORKFORCE DEVELOPMENT BOARDS (LWDB)

- Local Elected Official Board
  - In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may **execute an agreement** that specifies the respective roles of the individual chief elected officials in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the applicable criteria and in carrying out any other responsibilities assigned to such officials under this title.
  - The LEO Board is primarily tasked with electing a Chief Local Elected Official, agreeing upon a process for the sharing of liability for any disallowed costs, and supervising the LWDB member appointment process.

*WIOA Sec. 107(c)(1)(B)*

## DISTINGUISHING LOCAL ELECTED OFFICIAL (LEO) AND LOCAL WORKFORCE DEVELOPMENT BOARDS (LWDB)

- Local Workforce Development Board
  - The chief elected official in a local area is authorized to appoint the members of the local board for such area in compliance with the membership and composition requirements set forth in the Workforce Innovation and Opportunity Act.
  - The LWDB must perform certain required functions as set forth in the Workforce Innovation and Opportunity Act.

# ROBERT'S RULES OF ORDER

*Jamie Jordan*

# BENEFITS OF USING ROBERT'S RULES OF ORDER?

- Required by State rule
- To facilitate the transaction of business
- To promote cooperation and harmony
- To ensure that all members have equal rights, privileges, and obligations
- To ensure the majority has the right to decide, but the rights of the minority are protected as well

## THE LWDB CHAIR:

- Presides and maintains order
- Understands bylaws & procedures of the LWDB
- Decides questions of order
- Announces all business
- Recognizes members for discussion & questions

# BYLAWS

- Rules that govern the organization
- Legally binding
- Can override parliamentary procedure

# AGENDA

- Normal order of business
- Determined by the Chair
- Can specify time frames
- Should Include: previous minutes, standing committee reports, special committee reports, old business, new business, announcements and adjournment



# QUORUM

- Half + 1 (or more if bylaws specify)
- Needed for all official business
- Meeting can begin without a quorum present; however, no motions or votes may be taken, except to adjourn
- Chairperson is responsible for recognizing the presence or absence of a quorum

# CALLING THE QUESTION

- A motion is a question to the body, used to call for a vote
- A body may only consider one “primary” question at a time
- Usually requires a second
- Examples of when a question is typically called
  - Approve previous meeting's minutes
  - Approve committee reports
  - Approve the agenda
  - Approve any action item
- No other business can be considered until the Primary Motion has been disposed of (pass, defeat, refer, withdrawn, etc.)
- However, other motions can be made that affect the content, debate, or direction of a Primary Motion
- Members have several options available to them regarding each question that is posed to them:
  - Vote on the question
  - Table the question
  - Postpone the question
  - Object to consideration of question
  - Divide the question

# HOW TO CALL THE QUESTION

- Member addresses the Chair:
  - “Mr./Madam President or Chairperson:”
- Chair recognizes the member
- Member states:
  - “I move that (states motion).”
- Another member seconds the motion (not necessary to be recognized)
  - “I second the motion.”
- If the motion comes as a recommendation from two or more members, the motion does not need a second

# HOW TO CALL THE QUESTION (PT. 2)

- Chair states motion:
  - “There is a motion on the floor by (name of proposing member) and seconded that (state motion).”
- Discussion:
  - If debatable, every member has the right to debate
  - Chair refrains from debate while presiding
  - Proposer of motion has first right of debate
  - Must be related (germane) only to motion
- At the completion of discussion, the Chair says:
  - “If there is no further discussion, we will call the question on the motion of (restate motion).”

# HOW TO CALL THE QUESTION (PT. 3)

- Vote:
  - The Chair states, “All those in favor of (the motion is stated) say ‘aye.’ Those opposed say ‘no.’”
  - If motion requires 2/3 vote, ask for standing vote or by show of hands
  - Should always ask for those opposed
- Result of the vote is stated by chair
  - If a voice vote is used, the Chair states, “In the opinion of the Chair, the ‘ayes’/’nos’ have it. The motion is carried/the motion is defeated.”
  - If any member believes the results of a voice vote are unclear, or if they want to challenge the Chair’s opinion on the results of the voice vote, they may call for division. In this case, a counted vote should be taken by standing or a show of hands.
  - If a counted vote is taken, give the number of votes on both sides

# VOTING

- All members have a duty to vote
- Members should only abstain for specific reasons (conflicts of interest)
- A member seeking to be recused from a vote must do so before a roll call vote is taken
- A member can vote against their own motion
- The majority for voting purposes is determined by the number of members present, so long as a quorum is present (unless otherwise specified in the bylaws)
- A tie vote will defeat a motion

## RESOURCES

- <https://robertsrules.org/>
- <http://www.rulesonline.com/>
- <http://www.robertsrules.com/>

# CONTACT US

## DAVID DIETRICH

*Compliance & Legal  
Affairs Director*

*ddietrichs@tcsg.edu  
404.679.1370*

## JAMIE JORDAN

*Programs & Business  
Services Director*

*jjordan@tcsg.edu  
404.679.1375*