



MEMORANDUM

DATE: April 8, 2025

TO: Gorge Commissioners

FROM: Jeff Litwak, Counsel

SUBJECT: Motions and Robert's Rules of Order

At your February and March meetings, you discussed the manner in which you take motions, deliberate, and vote. During those conversations, you asked for my advice on whether the Commission could postpone a main motion and have a second main motion on a subject at the same time. I advised that Robert's Rules of Order does not specify this procedure; some commissioners thought it might. I also advised that having one main motion does not limit your discussion of the issue in the motion.

I have reviewed Robert's Rules of Order (10th ed.) and there is not a procedure to postpone a main motion and have a second main motion pending at the same time. Robert's contains a procedure for postponing a motion indefinitely, which is the equivalent of terminating a motion without voting on the substance of the motion and Robert's specifies that there cannot be a main motion that conflicts with a motion that has been temporarily but not finally disposed of. Robert's also allows a body to suspend the rules so long as there is not a question pending.

Article IV of the Gorge Commission's bylaws says, "Robert's Rules of Order, Newly Revised shall serve as general parliamentary authority for procedures not covered by the bylaws and rules."

In practice, the Gorge Commission has used what I call, "Robert's lite." By that, I mean you use Robert's-like procedures and consult Robert's as needed. Robert's Rules of Order are intended for large parliamentary bodies. They do not always work for smaller deliberative bodies. I have always counseled you that you are free to use whatever procedure you believe serves your decision making, with an eye toward the order that Robert's provides—this advice is captured in your bylaw that says Robert's is *general* parliamentary authority. If you would like to have two motions pending, even if they conflict, you may choose to do so. If you make that choice, I recommend that when you choose to vote, you can only vote on one motion at a time, you would need to be clear which motion you are voting on, and you would need to consider whether your decision on that motion obviates the need to vote on the other pending motion.

What is most important is that you use procedure that gives each member of the Gorge Commission the ability and the comfortable space to provide their thoughts, opinions, and votes, and that ensures respect for those thoughts, opinions, and votes. Over the years, I have observed different ways that members of the Gorge Commission process information and speak their minds. Some commissioners speak up right away; some commissioners wait to hear what others say; some are quiet until voting. And over the years, I have observed commissioners develop their thoughts and opinions based on staff reports, commissioner discussion and public input. Some commissioners develop their thoughts and opinions internally and some do so orally. Your mutual respect in discussion, listening, and voting is captured in the Code of Conduct that the Gorge Commission adopted in 2008 (in your commissioner handbook and attached here in case you can't easily find your copy).

Also importantly, I have also observed that the richness of your (and your predecessors') different backgrounds, perspectives, experiences, and opinions has resulted in decisions that have been quite stable over time, allowing the Gorge Commission to accomplish many of its goals, objectives, and programs in the Management Plan and develop and take on new ones rather than continually revisit past decisions.

The Gorge Commission's deliberative practices have generally worked well in the past, but if you feel like you want to clarify your practice of using "Robert's lite" in the bylaws, I would be happy to work with the Rules Committee to do so.

Columbia River Gorge Commission

Code of Commissioner Conduct

This code of conduct is a guide for Gorge Commissioners to manage their own conduct when handling Commission business. This code of conduct applies at Commission events and when handling Commission business outside of formal Commission events. This code does not supersede or authorize violation of the Commission's or states' statutes and regulations governing conduct of public officials.

The code will be communicated to all of the Commission's appointing authorities after it is approved, and on a regular basis thereafter.

Statement of Commission Conduct

The Columbia River Gorge Commission commits to conducting all of its business in a manner that is professional, courteous, civil, and respectful of all persons. The Commission shall strive to conduct its business in an objective and transparent manner.

Code of Conduct

1. Commissioners shall treat all persons conducting business with the Commission with respect and dignity. This includes but is not limited to acting in a manner that demonstrates a neutral tone, and is not hostile, argumentative, confrontational, threatening, or revealing predetermined attitudes or positions. Commissioners shall refrain from behaving in ways that discourage public comments of individuals.
2. At Commission meetings, Commissioners shall:
 - a. listen to staff presentations and the testimony of interested persons;
 - b. voice their own opinion only after listening to staff presentations and public testimony;
 - c. ask respectful questions of persons speaking to the Commission, with intent to obtain information; and
 - d. avoid argument and dismissive tone with any person appearing at the meeting.
3. Commissioners shall avoid appearing to speak for the Commission without the consent of the Commission as a whole or the Chair of the Commission:
 - a. Commissioners shall not make unilateral promises, statements or decisions without the consent of the Commission as a whole.
 - b. Commissioners shall use letterhead, or correspond in a manner appearing to be official, for Commission business only. Commission business is that business specially requested by the Chair or staff or authorized by the Chair.
 - c. Commissioners shall follow appropriate steps if they believe that there is significant information that is missing from a discussion or issue. These steps include requesting information at a Commission meeting, gathering the support of other Commissioners who request the same information, and communicating in writing with the Chair to explain the need for the information. As a matter of courtesy, Commissioners shall disclose to the other Commissioners and Executive Director their intent to request information from external sources, being mindful of not interfering with working relationships with other entities.

- d. Commissioners who have not prevailed on a vote shall not actively seek to undermine the Commission or criticize Commissioners or staff for acting on a decision with which the Commissioner does not agree. However, Commissioners may continue to point out how their individual opinion differs from the majority.
 - e. Commissioners who represent the Commission before another agency, organization, or media should first state the Commission's majority position. Commissioners should express their individual opinions and comments only after clearly stating that the opinions and comments are their own.
4. Commissioners who receive information pertinent to and/or influential on a decision pending before the Commission shall forward that information to the Executive Director for use by all Commissioners. Commissioners shall not disclose information discussed in executive sessions with any other person.
5. Commissioners having a concern about the performance of other Commissioners or staff shall not discuss the concern in public:
 - a. A Commissioner having a concern about an aspect of performance of another Commissioner shall bring that concern to the Commission Chair, after taking the opportunity to resolve such concerns with the Commissioner in question.
 - b. A Commissioner having a concern about an aspect of performance of a staff person shall bring that concern to the attention of the Executive Director.
 - c. A Commissioner having a concern about the performance of the Executive Director shall bring that concern to the Commission Chair or to the Chair of the Executive Committee.

Sanctions

After exhausting possibilities for resolution under #5 above, the Commission shall have discretion to sanction a member of the Commission for violation of this code of conduct. This will be done in public session. Sanctions may include but are not limited to, oral or written public reprimands, and reporting of violations to members' appointing authorities. Such sanctions require a majority vote of the Commission. Violations of this code of conduct are not exclusive if a member's action also violates federal, state, local, or other legal authorities.

Approved by the full Gorge Commission on November 12, 2008