

REPORT OF THE SLCA RULES COMMITTEE

On January 10, 2008, pursuant to the request of the SLCA EC, a Rules Committee was convened to review the history of the stop sign vote that was published in the October 2007 SLCA Newsletter and conducted at the Annual Meeting that occurred on Saturday, October 27, 2007 and Tuesday, November 13, 2007. Present at the Rules Committee were Rules Committee Chairman, Ed Gonsalves, President Melissa Cramer, Vice-President Charlie Herrmann; Carol Horn; Ken Pribyla; Jay Spiegel; Mike Avila and Paul Siegel. Neither Melissa Cramer nor Ed Gonsalves voted on any issues.

The first issue discussed was the Notice of the Annual Meeting that occurred on November 13, 2007. The meeting notice consisted of a half sheet of paper on which is printed at the top:

“Annual Meeting Extension Set November 13
Stratford Landing Citizens’ Association Newsletter Addendum.”

This meeting notice gave the date, time, and place of the Annual Meeting and was distributed to the community by SLCA Block Captains and members more than the required seven days in advance of the date of the meeting. As quoted above, a notice for an annual meeting is required, pursuant to Section 4.3 of the Bylaws to be published “in the Association’s newsletter.”

The Committee discussed the issue as to whether the notice met the requirements of the By-Laws. The Committee found the notice did meet the requirements of 4.3 of the By-Laws by a vote of five in favor, one opposed.

The Committee also voted to recommend that the Executive Committee amend Rule 4.3 of the By-Laws to add flexibility to the manner of notice of the Annual Meeting. There were 5 votes in favor; one opposed.

The second issue discussed was Section 4.1 of the Bylaws that requires the annual meeting to be held “on a weekday evening during the last two weeks of October or as soon as practicable thereafter.” The October 27 Annual Meeting occurred on a Saturday beginning at 4:00 PM.

The Committee unanimously voted by a vote of 6 to 0 that the October 27 Meeting violated Rule 4.1 of the By-Laws and that this violation was brought to the attention of the Board prior to the meeting, but overlooked.

The third issue addressed was Section 4.8(a) of the Bylaws which provides the guidelines for conducting referenda. Where a community vote is requested by referendum, the requirements are as follows:

- “1. A clear and concise statement of the question(s) presented for consideration;
2. A narrative that clearly and in reasonable detail (a) describes the context and reason for the referendum; (b) sets forth the relevant arguments on each side

of the issue; and (c) explains the consequences, respectively, of a vote in favor of, and a vote against, the question presented (i.e., what action, if any, the Executive Committee expects to take in response to either outcome); and

3. The ballot the member is to use to cast its vote, which shall clearly and prominently display the deadline by which the ballot must be returned in order to be considered valid.”

The Notice included, in the arguments in favor, the following statement:

“The executive committee voted unanimously for this change in December 2006.”

The Committee voted that the above statement was a mischaracterization of the Executive Committee vote which was a vote to bring the matter before the community, not an endorsement or recommendation on how the community should vote. There were five votes in favor and one abstention. The reason for the abstention was that the Rules Committee did not have the minutes from the December 2006 EC Meeting to determine what the EC voted for in December 2006.

The Rules Committee also voted unanimously (6 -0) to recommend that in the future, statements in the Referendum Notice concerning the Executive Committee be limited to a statement “that the majority of the EC voted to bring the issue before the community for consideration.”

The fourth issue addressed concerned section 4.7 of the Bylaws that requires there to be a quorum “at the time a vote is taken ...”.

The Rules Committee unanimously voted (6-0) that the Executive Committee abide by Rule 4.7 of the By-Laws that a quorum must be present at the time of the vote.

The Committee also noted a number of procedural issues not specifically delineated in the Bylaws, but which fall under the category of compliance with Roberts’ Rules of Order. In this regard, Section 4.5 of the Bylaws requires that meetings be governed by Roberts’ Rules of Order except as modified by Sections 4.6 and 4.7 of the Bylaws. Thus, the Committee generally notes a number of procedural issues concerning such things as the amount of time each person is permitted to speak on an issue, the way motions to adjourn are to be handled, and others. The Rules Committee recommends that its Parliamentarian be required to familiarize himself or herself with Roberts’ Rules of Order and to be prepared at any SLCA meeting or concerning the notice for any referendum to raise points of order concerning violations of Roberts’ Rules of Order when such violations are detected.

The fifth issue addressed by the Committee concerned the representations in the October 2007 Newsletter of the facts on the stop sign issue.

The factual presentation included the following statement:

“3. There has been an increasing number of accidents in this intersection, including a side-impact car crash in March 2007. One of the cars in this accident was totaled. This is at least the fourth accident at this intersection in the past 18 months. The March incident and two other wrecks were ‘right-of-way’ accidents caused by the stop sign confusion. A few years ago, there was also a hit and run involving a bicycle at this intersection. These are only the reported crashes.”

The Rules Committee found that some of the items listed in “3” above were anecdotal accounts that lacked support with identification of source.

Therefore, the Rules Committee unanimously recommended by a vote of 6-0 that when a Referendum is called in the future, the EC solicit opposing viewpoints to be presented to the community in satisfaction of Rule 4.8(a)2(b) of the By-Laws.

The Rules Committee also unanimously recommended by a vote of 6-0 that the narrative contemplated by Section 4.8 (a)2 reference facts, analysis or anecdotes and require identification and attribution of their source.

The sixth issue addressed by the Rules Committee concerned the overall presentation of the stop sign referendum to the community. The Committee voted by a vote of 5 in favor, 1 opposed, that it believes the two votes taken by the community, in the June referendum and the October-November Annual Meeting, both of which overwhelmingly favored installation of two additional stop signs at the intersection in question, fairly reflected the sentiment of the community as a whole concerning this issue.

Based upon the above discussion and votes, the Committee made the following additional recommendations to the SLCA EC:

- A. That the Annual Meeting votes on the stop sign referendum should be reported to Supervisor Hyland as reflective of community sentiment on the issue. Vote: 5 in favor 1 opposed.
- B. That the errors that occurred during the conduct of the referendum and Annual Meeting should be reported to the community. Vote: Unanimous (6 – 0).
- C. That the Rules Committee reviewing all notices of future referenda before they are furnished the community to ensure factual accuracy and compliance with the Bylaws. Vote: Unanimous (6-0).

Mr. Spiegel asked that the following be read into the record:

I have given careful thought to the various issues that have arisen as a result of the June-July 2007 SLCA stop sign referendum and the votes taken at the Annual Meeting of the SLCA, concerning the same issue, that occurred in October and November 2007. Upon reflection, I have concluded that there is no way the SLCA Rules Committee nor anyone else can fairly conclude that votes previously taken on the Cavendish-Camden intersection stop sign issue are fairly reflective of community sentiment on this issue. There were just too many procedural errors, some of which may have prevented residents from being able to vote, and too many factual misrepresentations, some of which may have affected voting decisions to be able to come to any conclusion from review of the vote totals that were counted. As such, in good conscience, I have voted against reporting the vote at the Annual Meeting to Supervisor Hyland and representing that vote as reflective of community sentiment on the stop sign issue.

In my view, the only way the SLCA EC can be assured of community sentiment on the stop sign issue would be to conduct a new referendum in accordance with the SLCA Bylaws and in which all factual representations are accurate and complete. I do urge the SLCA EC to review the SLCA Rules Committee Report and consider taking a vote on a Motion to notice and conduct a new referendum.

Notwithstanding my conclusions as expressed above, provided the SLCA EC agrees to fully and completely report to the SLCA membership on the procedural and factual errors that occurred and agrees to assure the community that all good faith measures will be undertaken to best ensure such errors will not be repeated, if the SLCA EC decides to request that Supervisor Hyland accept the results from the Annual Meeting and bring a resolution in keeping with those results to the Board of Supervisors for approval, I will not stand in the way of that process.

Respectfully submitted,

SLCA RULES COMMITTEE

ED GONSALVES, Chairman