

Gloette L. Hess
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The following is an opinion of Gloette Hess, Professional Registered Parliamentarian.

OPINION

Issue:

At the AGM, a modification to Chapter II, Page 1, Section 1, Item 6 of the Concours Rules was proposed by the Jaguar Concours Rules Committee ("JCRC"), and a motion to approve the JCRC's proposed rules change was made and seconded. During the discussion on the motion, a motion to amend the proposal was made and seconded that would effectively allow Driven Division to trailer cars to JCNA car shows on the same basis as Championship Division and Special Division cars. A vote was taken on the motion to amend the original motion, which passed by a majority vote. Further discussion was entertained on the amended motion, and a vote was then taken on the motion as amended. The amended motion passed by a majority vote. As required by the By-laws, a separate motion was made to implement the amended rule for the 2008 competition year, and that motion passed by a 2/3 majority as required by the By-laws.

After the meeting, when the general membership heard of the results of the vote, some members were outraged that the matter was even brought up to be voted on. A number of members have challenged the action by the AGM and raised various issues including whether the amendment was "germane" to the original motion that had been considered.

Facts:

The rules change was considered by the delegates and voting members of the assembly and votes were taken to amend the motion that was presented, and the amendment was adopted by a vote of 95 to 40 and the entire amended rule was adopted by 116 votes. The assembly then adopted a motion (only 3 votes against) to implement the rule for the 2008 competition year. The AGM now considers the rule in effect.

Opinion:

1) The amendment to amendment was not germane.

6. Entries to be Driven to their Assigned Parking Positions / Trailering

Trailering to the Concours site is allowed **in all Divisions**. ~~only for Champion and Special Division Entries. Trailering or towing to the Concours site is NOT allowed for Entries in Driven Division.~~ **The Chief Judge or his designees must confirm that all Entries are driven, under their own power, to their assigned parking positions in the judging area – the objective is to simply prove/observe that the Entry runs.** Entries not meeting this rule are ineligible for the day's Concours Competition and shall not be judged. Entries shall not be trailered directly to their assigned parking positions and off loaded. (2008 AGM)

The correct procedure would have been to present the entire rule (amendment) as a substitute motion to #6 (see above rule). 1990 Edition of *Robert's Rules of Order Newly Revised* pages 129 to 131.

2) The assembly had the right to object to the germaneness of the amendment to the amendment when the subject was brought to the floor. The use of the motions to Raise a Point of *Parliamentary Inquiry*, *Raise a Point of Order*, or *To*

Appeal the decision of the chair would have tested the germaneness of the amendment.

The Point of Order must be raised promptly at the time the breach occurs. In other words you may not go home and study the results of the annual meeting and then decide the amendment was not germane. No Point of Order was raised at the meeting and it is too late to protest the actions of the AGM. Please read these pages in 1990 Edition of *Robert's Rules of Order Newly Revised* pages 240 to 243, especially 243 on the timeliness requirement.

3) The bylaws of the Bylaws of the JCNA Article IV Section 10. Clearly state that "Section 10. Changes Reserved to Meetings. No competition rules change shall take effect unless approved by majority vote at a meeting as defined in Article IV, Section 1 and Section 3. Any such changes shall take effect in the season following enactment unless specifically approved by the delegates by a 2/3 majority. (Rev. 2004 AGM)

The delegates followed the bylaws and adopted the amendments to #6. There may have been mistakes made along the way, but there is nothing in your bylaws that say the Board or the membership may "set the rule aside" the action of the AGM. **The rule should stand.**

The only way the rule may be repealed is at meeting of the AGM, or special called meeting for this purpose.

Comments:

There are rules for the AGM that you wish to consider in the future, as an example: that all rules changes will be submitted to delegates 30 days in advance of the meeting or no new business may be considered at the meeting without the approval of $\frac{3}{4}$ affirmative vote of the assembly.

This parliamentarian understands that members of car clubs love their cars and this is a serious matter.

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