

the catch is that you can explain that that solves it. Assuming now that I don't have a quorum there yet, I had it in the beginning but I don't have it now, it then says an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business. So, again, as I look at the words, not the intent but when I look at the words it seems to say to me that, again, using the example of an eight-member board, four people may be absent for whatever reason or...and it's a 4-0 vote but they had a quorum in the beginning, would that be affirmative, or the Senator Withem, again, example on a 4-4 tie, because again according to the wording an affirmative vote of at least one-half. Well, four is one-half of the elected members and that's all you need for the transaction of any business. I do have a concern with the way that it's worded. Again, would you again reassure me on that, that this is not a problem.

SENATOR BROMM: Okay. I think that's a good question, Senator Bernard-Stevens. And, first of all, you have to have a quorum present for the transaction of any business, and that's in the first sentence of the language. And again, that's what applies to first class cities as well. And that means that you could not transact...you would not have a quorum with four people out of an eight-member board. You'd have to have five in order to have a majority there to start the meeting. Okay. If you start the meeting with a quorum of five, and there's a measure that you have a motion on and the vote is four in favor and one against, because you've got five people there, you've got a quorum, you're doing business, this says that the four people voting yes then would...that would carry the measure or it would pass. Now, on the other hand, using that same example, if you had three voting yes out of the five that were there and two voting no, the measure would not be able to pass because at least half of the elected members are not voting affirmatively. So you've got to read both the sentences together. First of all, you've got to have the quorum, and that takes a majority. Once you have a quorum then you have to have an affirmative vote of at least half of the elected members. So I think, I think it works okay, although your question is...

SENATOR BERNARD-STEVENS: Let me attack it another way and maybe...and I appreciate the response, and I understand what you're saying on that. Assume for a minute that we had this rule in the Legislature, okay, and so the rule in the Legislature now on this bill, which we all know we have to...you