

One of the attempts by the co-op law team to nullify part or all of the District 5 proposals is to claim there was no quorum at the district meeting. Or, the quorum was lost during the meeting. This is a sham argument. Simply put, the meeting started with a quorum, but during the meeting the quorum *may* have been lost at some undetermined point.

However, if a quorum seems to have been lost, it is the duty of the chair or a member to challenge the quorum. That was never done. So, there was a quorum at all times until the meeting adjourned, despite claims by their attorney. Just because it says in the meeting minutes a quorum was lost, that has no legal basis and only the personal opinion of the note taker, Eileen Latasa.

From the Roberts Rules of Order website:

<http://www.robertsrules.com/faq.html#3>

Question: Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

Answer: (emphasis mine)

No. Once a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present. If the chair notices the absence of a quorum, he or she should declare this fact, at least before taking any vote or stating the question on any new motion. Any member noticing the apparent absence of a quorum can and should make a *Point of Order* to that effect whenever another person is not speaking. It is dangerous to allow the transaction of substantive business to continue in the absence of a quorum. Although a *Point of Order* relating to the absence of a quorum is generally not permitted to affect prior action, if there is clear and convincing proof no quorum was present when business was transacted, the presiding officer can rule that business invalid (subject to appeal). [[RONR](#) (11th ed.), pp. 348-49; see also pp. 12-13 of [RONRIB](#).]

Also -

RONR pp 348, II 33--

Manner of Enforcing the Quorum Requirement

Before the presiding officer calls a meeting to order, it is his duty to determine, although he need not announce, that [page 349] a quorum is present. If a quorum is not present, the chair waits until there is one, or until, after a reasonable time, there appears to be no prospect that a quorum will assemble. If a quorum cannot be obtained, the chair calls the meeting to order, announces the absence of a quorum, and entertains a motion to adjourn or one of the other motions allowed, as described above.

When the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his duty to declare the fact, at least before taking any vote or stating the question on any new motion—which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum, as explained above. Any member noticing the apparent absence of a quorum can make a point of order to that effect at any time so long as he does not interrupt a person who is speaking. Debate on a question already pending can be allowed to continue at length after a quorum is no longer present, however, until a member raises the point. Because of the difficulty likely to be encountered in determining exactly how long the meeting has been without a quorum in such cases, a point of order relating to the absence of a quorum is generally not permitted to affect prior action; but upon clear and convincing proof, such a point of order can be given effect retrospectively by a ruling of the presiding officer, subject to appeal (24).