Parliamentary Procedure for Local Government

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So, What is Parliamentary Procedure

- An organized system that allows a group of people to come together and **make a decision**.
- Made up of basic principles and rules that determine how the group will proceed through the decision-making process
- Helps the group stay focused on a single issue until the members resolve it
- Not intended to prevent members from participating in the group!

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Organized - Efficient - On Track

- Roberts Rules is about conducting good meetings without any more formality than is absolutely necessary.
- Goal is to protect the rights of everyone and keep things orderly.

Which Rules Apply

- The adopted parliamentary authority
 - Roberts Rules of Order or Masons
- Special rules the governing body has adopted by ordinance or approved as policy
 - Policies and Procedures
- State statutes (Title 29)
 - Open Meetings Act and other applicable laws

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General Meeting Procedures

• Must be a Quorum.

A majority of the members (more than half) of the Council/Assembly shall constitute a quorum for the transaction of business.

Example: A 7 member council requires 4 to be present to conduct a meeting. A quorum must be maintained for the **duration of the meeting**.

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General Meeting Procedures

- Until a motion has been stated by the chair, no proposal may be debated
- The member who made the motion has the right to speak first
- Members address the chair and wait to be recognized
- All remarks must be addressed through the chair/presiding officer
- Each member has the right to participate and to share equally in the discussion
- No member may monopolize the discussion

General Meeting Procedures

- Members cannot speak more than twice or more than the allotted time
 - Policy may establish a different rule
- Members may not interrupt, except to raise legitimate points of order
- Motives or personalities may not be attacked during debate
- All remarks must be relevant to the subject (germane)
- Members must accept the will of the majority

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The Role of the Chairman (Mayor/Assembly President)

- Determines who has the right to speak
- Impartially permits "pro" and "con" equal time
- Explains/clarifies issues without bias
- Should insist on decorum and order during debate
- Keeps discussion germane and discourages repetition
- Refrains from debate unless passing the gavel
 - Policy may establish different rule.
- States the motion clearly, takes the vote accurately, and announces the vote so all can hear

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Role of the Chairman (Mayor or Assembly President)

- Because the chairman is presiding over the meeting, he or she should maintain an aura of neutrality and refrain from making any motions.
 - Your Code of Ordinances or State Statutes may establish the rules for participation by the Chairman. Some municipalities/boroughs may allow the Mayor or Presiding Officer to take part in debate and vote on all questions.
- Presiding Officers should be facilitators, not dictators.

Processing a Motion

- Step 1. A member makes a motion
- Step 2. Another member seconds the motion
- Step 3. The Chair states the motion, thereby formally placing it before the council/assembly
- Step 4. The members debate the motion
- Step 5. The Chair puts the question to a vote
- Step 6. The Chair announces the results of the vote

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Making a Motion

 To make a motion you need to seek recognition from the chair, which you typically do by raising your hand. After the chair recognizes you, you are free to make a motion.

Use three short words: "I move that...."

- Be Precise
 - Make sure the motion states exactly what you want the organization to believe or do.

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Making a Motion

- Only make motions you agree with.

 Although it's not a violation of Robert's to do so, members should try to phrase their motions in such a way that he or she agrees with them. This is important since the member who makes the motion is restricted from speaking against his or her motion during debate
- **But**, **you can** *vote* **against your own motion**. After the discussion, you may have changed your mind. This is the democratic process in action!

Making a Motion

• Use positive words to express a negative thought. It can be confusing to vote yes on a negative statement.

Consider the following two motions:

- > I move that we not support the national dues increase.
- ➤ I move that we take a stand in opposition to the national dues increase.

How an item is listed on the agenda can assist a member in properly stating their motion.

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Second the Motion

- A member makes a motion
- Another member seconds the motion
- ➤ The purpose of this step is to make sure that at least two members want to discuss the issue before the group spends time on it. The member who is the Second does not have to agree with the motion – only believe that it should be discussed and acted on.
- No second, no debate. In other words, if there is no second, then the motion dies for lack of a second. The group then proceeds to the next item on the agenda. *However*....

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Transfer to the Members

- The Chair states the motion.
 - > At this point, the ownership of the motion is transferred from the individual who made the motion to the whole group. Once the motion belongs to the group, it's the groups to do with as it pleases.
 - > What if after debate I want to withdraw my motion? Since the motion no longer belongs to you, the Chair must ask permission from the group. If one member objects, the Chair must put your request to withdraw your motion to a vote.

Debating a Motion

- Debate
 - Debate is limited to the specific motion that is being considered. In addition, only the specific aspects covered in the motion are open to debate, and not the whole subject. For example:
- If the motion on the floor is to paint the firehouse green, the debate should focus on discussing the advantages and disadvantages of painting the building green. Not wander off to other aspects of the building such as replacing the roof, the condition of the lawn, or if the building should be sold or kept a few more years.

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Public Comment

- Does the public have a right to speak during debate?
 - > Roberts Rules of Order
 - A person who is not a member of the body that is meeting does not have the right to speak, unless the members give that non-member permission to speak.
 - ➤ However, AS 29.20.020 Meetings Public reads as follows:
 - Meetings of all municipal bodies shall be public as provided in AS 44.62.310 (Open Meetings Act). The governing body shall provide <u>reasonable</u> opportunity for the public to be heard at regular and special meetings.

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Public Comment

What is Reasonable?

- Check your code or policy.
- Some councils/assemblies allow for public comment after it has been ascertained by the Chair that there is no further debate by the members.
- Some provide a "Public Comment" place on the agenda at the beginning of the meeting
- Regardless, rules of conduct and a time limit should be established.

Call for the Vote

- The Chair puts the motion to a vote.
 - > The presiding officer should restate the motion to remind members what they are voting on. "We will now vote on the motion to paint the firehouse green".
 - > The presiding officer should call for votes in favor of and votes against the motion.
 - > The presiding officer determines if the motion passed or failed and announces the determination to the members by saying "the motion is adopted" or "the motion is lost".
 - > Move to the next item on the agenda.

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The Ladder of Motions

- First, remember that only one **main motion** is allowed on the floor at the same time. But many **secondary** motions can be on the floor at the time.
- As we discuss please keep in mind the terms pending and immediately pending.
- A concept in parliamentary procedure helps this scenario make sense. It is called the $precedence\ of$ motions. If you understand the concept, you will know when motions are allowable, and when they are out of

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Precedence of Motions

Fix time to which to adjourn Adjourn Recess

Raise a question of privilege

Call for orders of the day Lay on the table

Previous question Limit/extend limits of debate

Postpone to a time certain

Commit or refer Secondary Amendment

Primary Amendment Postpone indefinitely

Main motion



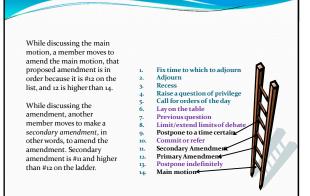
Precedence of Motions

- When any of these motions on the list is the immediately pending motion, any motion above it on the list can be made at that time and any motion below it on this list cannot be made at that time.
- It is truly that simple. If you have this list in front of you at a meeting, you can easily check which motions can be made when.
- Fix time to which to adjourn Adjourn

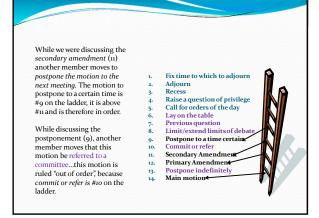
- Raise a question of privilege Call for orders of the day
- Lay on the table Previous question
- Limit/extend limits of debate Postpone to a time certain Commit or refer Secondary Amendment Primary Amendment

- Postpone indefinitely Main motion

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You now have four different motions pending:

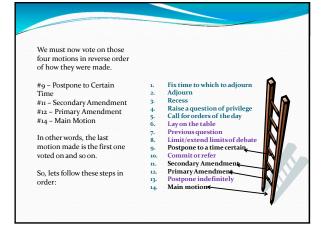
#9 - Postpone to a time certain
#11 - Secondary Amendment
#12 - Primary Amendment
#14 - Main Motion

Every motion that is pending is a step up the rung of the ladder. When it is time to vote on the motion, you must come down the ladder, in reverse order of the steps you took up the ladder.

You now have four different motions pending:

1. Fix time to which to adjourn
Adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time to which to adjourn
Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time to which to adjourn
Call for orders of the day
6. Lay on the table
7. Previous question
8. Limit/extend limits of debate
9. Postpone to a time to which to adjourn
1. Fix time to which to adjourn
1. Call for orders of the day
1. Previous question of privilege
1. Call for orders of the day
1. Previous question of privilege
1. Previous question
1. Previous question of privilege
1. Raise a question of p

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The Vote and the Ladder

- Vote on the motion to postpone to a certain time.
 - If this motion passes, the main motion and the amendments that are pending will be postponed along with it to the next meeting. At the next meeting, you will have three motions still pending.
 - If the motion to postpone fails, you move down to the next pending motion on the ladder, which is the secondary amendment.
- Vote on the secondary amendment.
 - If the secondary amendment passes, the primary amendment is now changed. If it fails, you move down to the primary amendment as it was originally stated.

The Vote and the Ladder

- Vote on the primary amendment.
 - If the vote on the primary amendment passes, the main motion on the floor is now amended. If the primary amendment fails, the main motion on the floor is the original main motion.
- Vote on the main motion.
- If you skip any of those steps, you violate the rules and fall off the ladder!

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Ladder of Motions

- There is of course, an exception to the ladder voting rule. That exception is unlucky motion #13 on the precedence of motions, which is the Motion to Postpone Indefinitely.
 - The purpose of the motion to postpone indefinitely is to kill the motion that is pending. Since the sole purpose of passing the motion to postpone indefinitely is to kill the main motion, if it passes, the main motion is thus killed and there does not need to be a vote on the main motion. You do not come down the final rung of the ladder, because the main motion is dead.

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Ladder of Motions

- You Can Go Back Up the Ladder
 - The voting ladder in the precedence of motions is not a one-way ladder. In the process of debate, you can move up and down it, and then up and down again before finally processing (voting on) the main motion and getting off the ladder.
- The Least You Need to Know
 - The immediately pending motion is the motion that was last stated by the chair.
 - The precedence of motions indicates which motions precede other motions during debate.
 - Motions that don't follow the precedence of motions should be called out of order.
 - Don't skip steps on the ladder of motions!

Main Motions

- Original Main Motion.
 - Introduces a substantive question as a new subject
 - Object: Bring business before the board
 - •Form: I move that...or I move to.....

Rules:

- > Needs a second.
- > Is Debatable.
- > Is amendable.
- > Needs a majority vote.
- > Can be reconsidered

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Privileged Motions

- Privileged motions are a class of motions that are important enough to warrant interrupting all other motions. Because they are urgent issues, debate on them is not allowed.
 - Fix the time to which to adjourn
 - Adjourn
 - Recess
 - Questions of privilege
 - Call for orders of the day

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Privileged Motions

- Recess
 - Needs a second
 - Is not debatable
 - Is not amendable
 - Needs a majority vote

A recess is a brief intermission taken by the council/assembly. Exception: If the agenda for the meeting has a recess scheduled, or there is no objection, the presiding officer can call for that recess without requiring a motion.

Privileged Motions

- Adjourn Closes the meeting.
 - Needs a second
 - Is not debatable
 - Is not amendable
 - Needs a majority vote

Exception: If the business on the agenda is concluded, the Presiding officer may ask if there is any other business to come before the group. If there is none, then the presiding officer may simply say "Since there is no other business, the meeting is adjourned."

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Privileged Motions

- Question of Privilege
 - Used when there is a matter, either affecting the entire assembly or an individual in the assembly, that is so urgent that it must interrupt business and be taken care of right away.
 - Example: There is an emergency and a member must be immediately excused from the meeting (personal).
 - Or, a member points out there is a noise issue which is preventing the members from hearing what is going on at the meeting.

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Privileged Motions

- Question of Privilege
 - Can interrupt the speaker, if deemed appropriate to do so.
 - Is ruled on by the Chair.

Member: I rise to a question of privilege.

Chair: State your question of privilege.

Member: (e.g. noise preventing from hearing, temperature of room)

 $Chair: (Chair\, resolves\, the\, question)$

Privileged Motions

• Call for Orders of the Day

The call for orders of the day is used when the agenda or program is not being followed. This motion requires (demands) that the presiding officer follow the established agenda. (Get the meeting back on track)

- ➤ Can interrupt the speaker
- > If the orders are going to be followed, it takes only one member to make this motion and no vote is needed
- ➤ If the group is going to deviate from the established agenda, a vote is needed. It takes a two thirds vote in the negative to deviate from the established agenda.

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Subsidiary Motions

- Lay on the table
- Previous Question
- Limit or extend limits of debate
- Postpone to a certain time
- Commit or refer
- Amend
- Postpone indefinitely

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Subsidiary Motions

- Lay on the table
- The object of this motion is to allow the group to set aside the pending motion in order to attend to more urgent business.
- Abused and Confused

This motion clearly wins the award for the most overused and abused of all of the motions. It is too often used to kill a motion. It is also improperly used to postpone a motion to the next meeting.

• Lay on the Table Cont..

It is frequently confused with and used in place of two other appropriate motions: Postpone Indefinitely and Postpone to a Certain Time.

Proper Use of Lay on the Table:

This motion is designed for unexpected urgent situations. It is also designed for setting something aside when you do not know when it will be time to bring it back again.

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Subsidiary Motions

- Motion to Lay on the Table
 - Needs a second
 - Is NOT debatable
 - Is NOT amendable
 - Needs a majority vote
- Why does it matter when you confuse the motions? If you want to kill a motion, you should use the motion to postpone indefinitely. Why? Because the motion to lay on the table is NOT debatable, therefore you can't talk about it or amend it before you vote on it. Those are two things you would want to do before killing an idea; if you don't you run the risk of violating the rights of the members.

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Subsidiary Motions

• Lay on the Table

The motion to lay on the table is also improperly used to put a motion off to the next meeting. If you want to table something to a time specified (next meeting for example) the proper motion is to **postpone to a certain time.** The difference? Lay on the table is not debatable, is not amendable (so you can't set a time and date for when to address it again) and when you do bring it back up it needs a motion to "take from the table" to accomplish that.

• Lay on the Table

Postpone to a certain time is debatable and automatically comes up at the next meeting as an item of unfinished business on the agenda.

Using the appropriate motion protects the rights of the members, who should at least be allowed to discuss a motion before it is killed.

To bring the tabled motion back before the group a member must make the motion to "take from the table" by the end of the next regularly scheduled meeting.

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Subsidiary Motions

- Previous Question
 - Used to stop debate on a motion and any subsidiary motions. The motion must be seconded, no debate is allowed, and a two-thirds vote is needed.

This is the second most overused and abused of all of the motions. It is abused by people who don't understand that the motion requires a second, and that it needs a <u>two</u> <u>thirds vote</u>. They try to call it out, as a command, and intimidate the presiding officer into stopping debate without a vote.

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Subsidiary Motions

- Previous Question
- Script:
 - Member: I move the previous question
 - Chair: Is there a second?
 - Member: I second the motion
 - Chair: The previous question is moved and seconded, this is not a debatable motion and takes a two-thirds vote. If you want to close debate, vote in favor of the motion. If you want debate to continue, vote against the motion.

- Postpone to a Certain Time (Postpone Definitely)
 - Sometimes you just don't have the information you need to make a decision, and more time is needed to gather the proper answers or invite a key person to address concerns. Under any of these circumstances, this motion, to postpone to a certain time, is for you!
 - The time set to postpone is limited to the current meeting, and up until the close of the next regularly scheduled meeting.

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Subsidiary Motions

- Motion to Postpone to a Certain Time
 - Needs a second
 - Is debatable
 - Is amendable
 - Needs a majority vote

The item will come back on the agenda at the next regular meeting as "Unfinished Business", with the main motion still on the floor. At that time, the Chair will read the *motion pending* prior to postponement and discussion will resume.

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Subsidiary Motions

- Commit or Refer
 - This motion sends the main motion to a smaller group (a committee) for further examination and refinement before the body votes on it. Be specific.
 - Recommend establishing a due date, or deadline for the committee to report back.
 - Item comes back to the members under "Unfinished Business" along with the committee report. Chair should read main motion which was made prior to sending to committee and discussion resumes.

Amend

- This motion is the embodiment of the democratic process. If a motion is made and it is not acceptable as is, the amendment process gives the group the opportunity to fix it in a way that at least a majority can live with it. The intent of the motion is to modify the pending motion before it is voted on.
- The amendment must be <u>germaine</u>, which means that it must relate to the subject of the motion it is amending. You cannot introduce a new, independent issue as an amendment.

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Subsidiary Motions

• Although the amendment must be germane, it does not have to maintain the intent for example:

The motion on the floor: "I move that we censure our president."

<u>Amendment</u>: I move to amend the motion by striking the word "censure" and inserting the word "thank" so that the motion will read "I move that we thank our president".

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Subsidiary Motions

• Amend

An amendment to a motion can take three forms:

- ➤ **Insert or add**. This involves inserting or adding words or paragraphs.
- ➤ **Strike out**. This involves cutting words or paragraphs.
- > Strike and insert. This involves substituting a word, paragraph, or the entire text with new text.

• Amond

- Limited number. To avoid confusion there is a limit on the number of amendments that can be pending. There can be only one main motion, one primary amendment, and one secondary amendment pending at a time.
- Primary amendment amends the pending main motion.
- Secondary amendment can only amend the primary amendment.
- Remember that after a primary amendment has been voted on, if it passed, it becomes a part of the motion it was amending. At this point a new primary amendment could be offered. Same is true for a secondary amendment.

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Subsidiary Motions

Script: Motion to Amend

Member: I move to amend "Motion A" by (inserting; striking out; striking out and inserting; or substituting) as follows_____.

Chair: Is there a second to the motion?

Member: I second the motion.

 $Chair: (Restates\ the\ amendment.)\ Is\ there\ any\ discussion?$

Chair: Calls for the vote.

(Based on the outcome, the Chair should read the motion as amended, or if the motion to amend failed, read the main motion as originally stated before continuing discussion. This avoids confusion.)

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Subsidiary Motions

Postpone Indefinitely

- A motion is made, and you don't think it is a good idea for this particular group. If the group votes it down, however, it will make the organization look bad. You just wish you could make it go away without having to vote on it.....
- The motion you want is the motion to postpone indefinitely. It kills the main motion without having to take a vote on it.
- Exception to "motion ladder". If the motion to postpone indefinitely passes, you do not take the final step down the motion ladder. You do not vote on the main motion.

- Things to remember!
 - Subsidiary motions are made when a main motion is already on the floor.
 - The motion to "lay on the table" is like 911 use it only for emergencies!!
 - You can use the motion to postpone indefinitely to kill a main motion without voting on it.

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Incidental Motions

- Point of Order.
 - If a member feels that the rules are not being followed, he or she can use this motion. It requires the chair to make a ruling and enforce the rules.
 - Or, if something inappropriate happens in a meeting, such as a member stooping to name-calling during a heated debate, it's the presiding officer's responsibility to call the member to order.
 - So, a member calls out "point of order". The presiding officer asks the member to state their point. After hearing the member, the presiding officer must rule on it

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Incidental Motions

- Rules for Point of Order:
 - Does not need a second
 - May interrupt the speaker
 - Is not debatable
 - Is not amendable
 - Ruled by the Chair

Incidental Motions

Suspend the Rules

- The motion to suspend the rules is used when the group wishes to do something that cannot be done without violating its own rules. But even with this motion, the group cannot violate its constitution, bylaws, or fundamental principles of parliamentary law.
- When making the motion, include the object of the suspension. For example, a citizen has to leave the meeting and you want to address "Item B" before they go. But, "Item B" is not on the agenda until much later in the meeting. You might say "I move we suspend the rules so that we can consider "Item B" at this time. If the motion passes, the group will take "Item B" up now instead of later in the agenda.

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Incidental Motions

Suspend the Rules

- You can't simply say "I move to suspend the rules" and then ignore all the rules and do whatever you want, having a free for all.
- Rules that can be suspended
 - Rules that relate to business procedures and to priority of business can be suspended. In addition, rules that are your standing rules or policies and procedures can be suspended.
 - Needs a second
 - Is not debatable
 - Is not amendable
 - · Majority vote

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Incidental Motions

• Division of the Question

- Sometimes, for the sake of speed, one motion includes multiple ideas. For example the question of purchasing uniforms and nets for the butterfly club. You may not have a problem with nets, but think a uniform is a little ridiculous, you can use the division of the question to split them up.
- To divide the motion a member should say "I move to divide the question" and then state exactly how he or she wants it divided. This motion takes a majority vote, but is usually handled by general consent if no objection.

Incidental Motions

- Division of the Question
 - Rules
 - If there is an objection, it must be processed as a motion
 - · Needs a second
 - · Is not debatable
 - · Only amendable as to how the motion is divided
 - · Needs a majority vote
 - If the question is divided, each section is treated as a separate motion as already been made. So, you discuss one, vote on it, and then go to the next one.

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Incidental Motions

- Script: Division of the Question
 - Member: I move that the motion be divided and we consider each of the three recommendations separately.
 - Chair: It is moved that we divide the question and consider each of the three recommendations separately. Is there any objection to dividing the question? Hearing no objection, the motion before you at this time is Recommendation 1. Is there any discussion on Recommendation 1?

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Incidental Motions

- Requests and Inquires
 - <u>Parliamentary Inquiry.</u> A question directed to the presiding officer concerning parliamentary law or the organization's rules as they apply to the business at hand.

 - Withdrawal of a Motion. A request by the maker of the motion to remove the motion from consideration. (After the motion has been stated by the presiding officer, it belongs to the council/assembly and the council/assembly's permission is needed to withdraw the motion. This can be by consent.)

"Bring Back" Motions

Take from the Table

- A motion that was laid on the table can only be taken from the table during the remainder of the meeting at which it was laid on the table or before the conclusion of the next regularly scheduled meeting. The motion to take from the table can be made by any member, and it requires a majority vote to pass
- Rules:
- Needs a second
- Is NOT debatable
- Is NOT amendable
- Needs a majority vote
- May be made during the Unfinished or New Business portion of the agenda.

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"Bring Back" Motions

Reconsider

- This motion wins the award for the "most challenging"!
- The effect of the adoption of this motion is to erase the original vote on the motion and put the assembly in exactly the place it was in right before the vote occurred. If the motion to reconsider passes, the motion is put back on the floor, as if the original vote had not occurred, and discussion
- The motion to reconsider can be made only by a member who voted on the prevailing side. So, if the motion passed, you had to have voted "yes" on it to move to reconsider it; if the motion failed, you had to have voted "no" to move to reconsider it.

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"Bring Back Motions"

• Reconsidercont.

- However, this motion can be made at one time and processed (or called up) at another time. So even if you can't process the motion for whatever reason, such as time constraints, you can still make the motion and then call it up to discuss at a later time.

 What can't be reconsidered:

- A vote after something has been done as a result of that vote and it is too late to undo it.

- undo it.

 An action in the nature of a contract, once the other party in the contract has been informed. The contract has been signed or verbally committed to. A resignation that has been acted upon.

 An election to or expulsion from membership, if the person was present or has already been notified.
- Many types of motions cannot be reconsidered.

"Bring Back Motions"

- Rules for Motion to Reconsider:
 - Can only be made by a person who voted on the prevailing side.
 - Requires a second (anyone can second the motion)
 - Is debatable only if the motion being reconsidered was debatable.
 - Is NOT amendable.
 - Needs a majority vote.
 - Can be moved only on the same or the next *succeeding* day after the original vote was taken.

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Questions?

Recommended References:

- The Complete Idiot's Guide to Robert's Rules Nancy Sylvester, PRP,CPP-T
- Robert's Rules for Dummies

C. Alan Jennings, PRP

Both can be purchased on Amazon.