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Parliamentary Procedure and Other Rules and Procedures

RULES OF ORDER

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RULES OF ORDER

It is easy to view rules of order or parliamentary procedure as a primary focus in conducting meetings of any size. I believe it is primary to remember that the purpose of the meeting should be primary and rules of order used to reach that goal.

Rules of order should accomplish two main tasks. They should bring order out of potential chaos designating a process to conduct the business of the meeting. And Rules should insure fairness and equal treatment of all participants. Rules of order should prevent a majority of the organization from using improper measures to prevent meaningful participation by the minority. At the same time the rules of order should prevent the minority from imposing their will upon the majority or defeat the purpose desired by the majority.

The philosophy of the detail needed to reach these goals differs with legislative bodies. For example, the United State House Rules and Manual comprises 1,196 pages. The United States Senate Rules, 43 in number, comprise approximately 57 pages. The Tenth Edition of Roberts Rules of Order, published in 2000, is contained in 643 pages plus an additional 48 pages for charts, tables and lists.

It is my philosophy that the more precise and detailed the rules of procedure, the more likely it is that some members of the body will use them not to promote the orderly and fair conduct of business, but will take great delight in using the rules to interfere with the reasonable progress of business. The Devil being in the detail.

It is important to keep in mind that for most organizations, the parliamentarian is not the official who makes the final decision regarding procedure. The parliamentarian is an advisor to the chairman (mayor) who makes that determination on the manner in which to proceed. Rules of order should then contain the method to challenge the ruling of the chair.

In dealing with Rules of order, consideration should be given to the tradition of the body. If the parliamentarian attempts to change the way the body has conducted its business “for years”, there should be a very compelling reason to make the change. In for the approximately 36 years I have served as City Attorney for Kimball, Nebraska, the council discusses and debates topics and issues without a formal motion having been made. While this process is contrary to generally accepted rules of order, it works for our council and to change it would serve no purpose other than to cause distress. Our council is comprised of four councilmen and the mayor. If the council was significantly larger, there may be a reason to change that custom. Also, in our town of 2,500 citizens, the members of the council all know each other previous to their election to the council.

If the rules do not facilitate participation in free discussion and debate, the purpose of rules of order has not been accomplished.

There are many rules of order in municipal bodies that are governed by statute. The open meetings law is an obvious rule of order that the local body has little or no control in its application. The ability of the mayor or presiding officer to vote is generally governed by statute; method of voting; notice of meeting; method of dealing with particular issues; procedure for public hearings all generally are statutory Rules of Order.

It is important that a precedence of motions, points and questions be established to maintain order. It is also helpful to determine what motions, points or questions can interrupt a speaker, need a second, can be debated, can be amended, and if a super majority is necessary for its passage. A generally accepted precedence of motions, points and questions that I use is as follows:

Action	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Fix time for next meeting	No	Yes	No	Yes	Majority
Adjourn	No	Yes	No	No	Majority
Recess	No	Yes	No	Yes	Majority
Point of privilege	Yes	No	No	No	None
Point of order	Yes	No	No	No	None
Call for orders of the day	Yes	No	No	No	None
Parliamentary inquiry	Yes	No	No	No	None
Division of the house	Yes	No	No	No	None
Lay on the table	No	Yes	No	No	Majority
Reconsider	Yes	Yes	Yes	No	Majority

Suspend the rules	No	Yes	No	No	2/3
Appeal from the chair	Yes	Yes	Yes	No	Majority
Close debate	No	Yes	No	No	2/3
Postpone to specified time	No	Yes	Yes	Yes	Majority
Refer to a committee	No	Yes	Yes	Yes	Majority
Amend a motion	No	Yes	Yes	Yes	Majority
Postpone indefinitely	No	Yes	Yes	No	Majority
Take from the table	No	Yes	No	No	Majority
Object to consideration	Yes	No	No	No	2/3
Main or primary Motion	No	Yes	Yes	Yes	Majority

Another important consideration is the ability to reconsider a motion that has passed or failed. General rules of order suggest that a motion to rescind or reconsider be limited to being made only by a person who at the last vote voted on the prevailing side.

In conclusion it is my opinion that in adopting and enforcing rules of order the three questions that need to be asked are:

1) will it promote the purpose of the meeting?

2) is it fair to all concerned?

3) will it work for this particular organization?