PARLIAMENTARY PROCEDURE

THE FINE ART OF HERDING CATS



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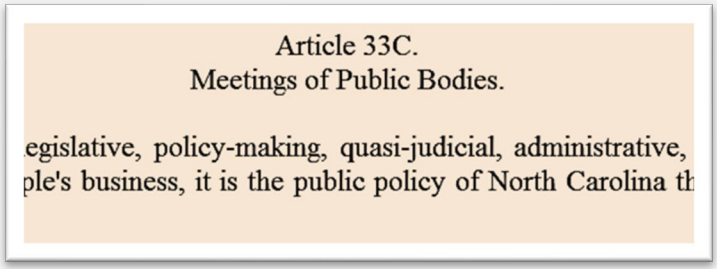
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7 BASIC PRINCIPLES

1. The board must act as a body
2. The board should conduct its business orderly and efficiently
3. The board must act by at least a majority
4. Every member should have an equal opportunity to participate
5. Rules of procedure should be followed consistently and uniformly
6. Decisions should be based on the merits, not on manipulation of the rules
7. Rules should help, not hinder

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Statutes


Article 33C.
Meetings of Public Bodies.

egislative, policy-making, quasi-judicial, administrative,
ple's business, it is the public policy of North Carolina th

Local Rules



"Fall-back" Resources

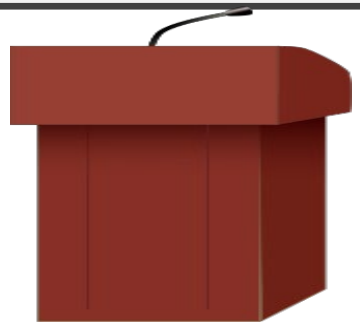


Charter



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PROCESSING MOTIONS



OBTAINING THE FLOOR

- The presiding officer controls access to the floor.
- It is out of order to speak unless you have the floor.
  - Except:
    - Point of order
    - Certain privileged motions

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MAIN MOTION

- The vehicle used to bring business before the assembly for action
- Can be made ONLY when NO other motion is pending
- Becomes the officially recorded statement of the body
- It begins with “I move”

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DEMOCRACY IN ACTION
PROCESSING MOTIONS



Main motion

- Only one main motion may be considered at a time
- Once a main motion is before the body, it must be adopted, rejected, or disposed of in some other way
- We use subsidiary motions to aid in the treatment of main motions.

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DEMOCRACY IN ACTION PROCESSING MOTIONS



- All motions should be worded in a concise, unambiguous, and complete form appropriate to its purpose
- Affirmative wording is also preferred
- Avoid terms such as, “I so move.”

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DEMOCRACY IN ACTION PROCESSING MOTIONS



Second [the motion]

- Implies that another member agrees that the motion should be taken up by the body
- "Second" does not necessarily mean that the member favors the motion

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DEMOCRACY IN ACTION PROCESSING MOTIONS

Second

- After debate has begun or, if there is no debate, or after any member has voted, the lack of a second has become immaterial

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DEMOCRACY IN ACTION
PROCESSING MOTIONS

State the question

- After a motion has been moved and seconded, the presiding officer "states the question".
- That is, reiterates the motion exactly as it was made by the maker
- Until this time, the motion belongs to the maker.
- After this moment, the motion belongs to the body.

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DEMOCRACY IN ACTION
PROCESSING MOTIONS

- Debate and discussion
  - After the motion has been *stated* by the chair, the members may debate the motion and make additional motions to dispose of the question.
  - Normally the maker of the *main motion* gets the opportunity to debate the question first.

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DEBATE AND DECORUM

- The chair must recognize the member prior to speaking.
- All debate must be addressed to the presiding officer, and not to the members.
- Debate must be confined to the question before the body.
- It is out of order to interrupt a speaker who has the floor.

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DEBATE AND DECORUM

- The presiding officer (or the body) may set reasonable time limits in debate.
- Time may be extended or limited upon a *motion* of the body.

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DEBATE AND DECORUM

- Most motions are subject to debate (debatable).
- A few motions are non-debatable.
- Non-debatable motions cannot be discussed further, and must be immediately voted on.

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DEBATE AND DECORUM

- During discussion, voting members may not disturb the other members in any way that may be considered disruptive to the proceedings or the transaction of business,

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DEMOCRACY IN ACTION
PROCESSING MOTIONS

Put the question

- When debate appears to have closed, the presiding officer will “put the question” to the body for the vote.

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DEMOCRACY IN ACTION
RULES OF VOTING

- Each member in attendance should vote for or against all measures, unless there is a conflict of interest for which abstention is recognized.
- A member shall not be permitted to explain any vote; this is the same as continued debate which has already been concluded.

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DEMOCRACY IN ACTION DECORUM/RULES OF VOTING

- Abstention
  - Elected officials have a responsibility to take a stand and vote on all matters on behalf of the people who elected them.
  - A local rule that requires elected officials to vote on all matters, unless there is a conflict of interest, is definitely in order.

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ABSTAIN

- ***The abstention dilemma…or the dilemma of abstention***

- An abstention is **not** counted as a “yes” vote or a “no” vote.
  - An abstention is a nullity

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7 COMMON PROBLEM AREAS



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7 Common Problem Areas

1. Agenda
2. Quorum
3. Motions
4. Debate
5. Voting
6. Postponing / Reviving Matters
7. Managing Public Input



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1. AGENDA

- The board is ultimately responsible for its own meeting agendas
- Preparing a preliminary agenda may be delegated
- A majority of the board can always amend the agenda
- Is there a legal restriction on the subject-matter of the meeting (regular, special, etc.)?



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2. QUORUM

- Number of members who must be present to conduct business
- Defined as “majority of membership” – means more than ½ of total seats
- What if a member steps out?
- What about vacancies?



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3. MOTIONS

- Only one substantive (main) motion may be pending
- Multiple procedural motions may be pending
- Motion before discussion, or vice versa?
- Are seconds to motions always required?
- Are all motions debatable?
- When is a motion out of order?



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CLASSIFICATION OF MOTIONS

Privileged Motions

- Adjourn*
- Recess*
- Question of Privilege*
- Call for the Orders of the Day*

Main Motions

- Introduces a substantive question as a new subject.

Subsidiary Motions

- Table*
- Close Debate*
- Limit or Extend Debate*
- Postpone to a Certain Time
- Refer to Committee
- Amend

Incidental Motions

- Appeal Chair's ruling
- Suspend the Rules*
- Consider Informally
- Point of Order*
- Parliamentary Inquiry*
- Withdrawal of a Motion*

Motion to Bring Matter Back

- Take from table*
- Rescind
- Reconsider

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ORDER OF CONSIDERING MOTIONS

THE CONCEPT

- All **Main Motions** and **Secondary Motions** have a number or rank.
- While a **Main Motion** is pending:
  - Higher ranking motions may be made.
  - Lower ranking motions are "Out of Order."
- There are 13 motions with ranks.

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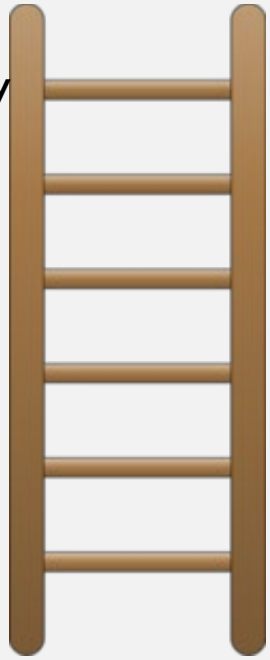
THE LADDER OF PRECEDENCE

- **Main Motions** and **Secondary Motions** have a rank.
- Think of climbing up and down a ladder.
- Higher on the ladder is IN ORDER.
- Lower on the ladder is OUT OF ORDER.
- Higher ranking motions must be disposed of before a lower ranking motion is in order.

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THE LADDER OF PRECEDENCE

~~1. Fix the Time to Which to Adjourn~~
2. Adjourn
3. Recess
4. Raise a question of Privilege
5. Call for the Orders of the Day
6. Lay on the Table
7. Previous Question
8. Limit/Extend Limits of Debate
9. Postpone to a Time Certain
10. Commit or Refer
11. Secondary Amendment
12. Primary Amendment
~~13. Postpone Indefinitely~~
14. Main Motion



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4. POSTPONING / REVIVING MATTERS

Procedural Options:

- Table
- Remove from the Table
- Prevent Reintroduction (‘Clincher’)
- Postpone
- Reconsider (Exercise Caution)
- Rescind (or repeal)



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5. DEBATE

- All members should have a similar opportunity to speak
- The presiding officer may wish to step aside if actively involved
- Extend courtesy to each other and the public in the debate
- "Calling the previous question" cuts off debate; *requires a **2/3** vote of the board*



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6. VOTING

- Only a simple majority is usually required
  - Check legal requirements for the type of majority vote required
  - Determine effect of vacancies
- Does the Presiding Officer vote?
- Record votes in the minutes to memorialize board action



- Determine when a member may be excused from voting – *conflicts of interest*
  - How to "count" an unexcused non-vote *(ex: NC cities have "default yes" rule set by statute)*

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7. MANAGING PUBLIC INPUT

- Establish rules for speakers to ensure fairness and maintain order
- Announce rules before comment period/hearing
- Provide rules in writing
- Apply rules consistently to all speakers

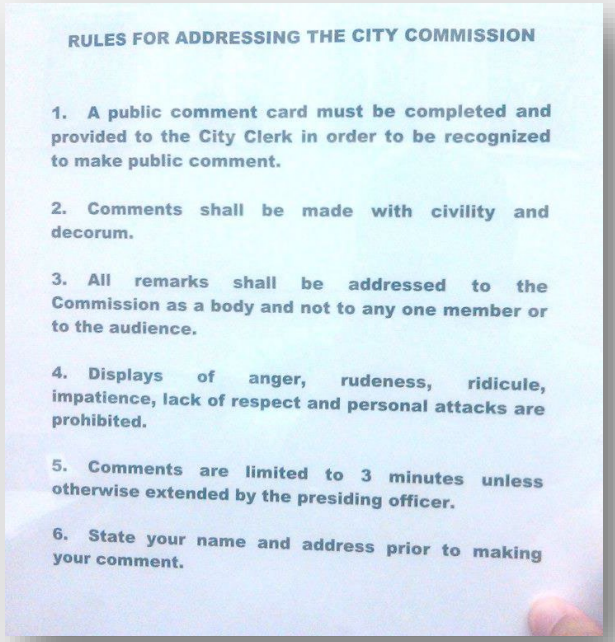
- Determine subject matter limitations – if any – in advance (be careful not to trample 1st Amendment)



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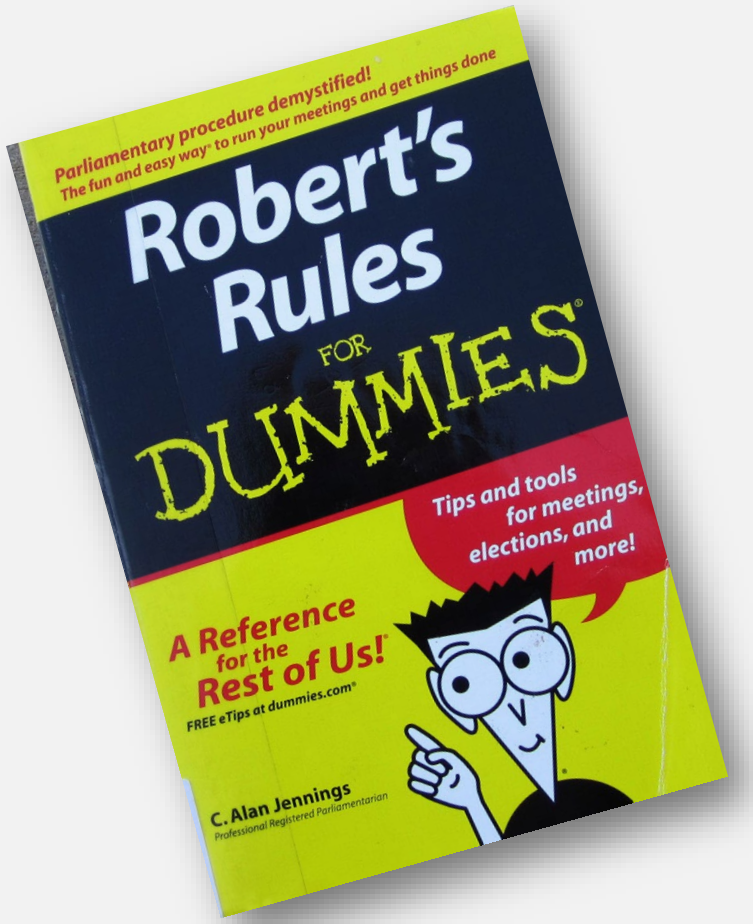
PUBLIC INPUT RULES: TIPS & SUGGESTIONS

- Time limit for speakers *(timekeeper?)*
- Representative to speak for large group
- Remove disruptive individuals
- Limit signs and displays
- Sign-up sheet
- No personal attacks, profanity, etc.
- Receiving written comments, handouts, etc.



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BOTTOM LINE: KEEP IT SIMPLE!





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GOOD LUCK!



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