

PREPARATION FOR OUR MEETING TONIGHT...



**MASC Clerks & Financial officers
Workshop
October 13, 2015**

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Gen. Henry M. Robert



- Born May 2, 1837
- In Roberville, South Carolina (Jasper County, on 321 south of Estill)
- Died May 11, 1923 (aged 86) in Hornell, New York
- Resting place: Arlington National Cemetery
- Allegiance: United States
- Service: United States Army
- Years of service: 1857-1901
- Rank: Brigadier General
- Commands held: Chief of Engineers
- Battles: Pig War, American Civil War

Your jobs: everything including the kitchen sink



My task here: to give you information useful to the job you have

Before a meeting
During a meeting
After a meeting
Between meetings

- Relationship to council
- Relationship to the public
- Relationship to other employees
- Relationship to town attorney
- Relationship to town bond attorney

Freedom of Information Act; Title 5; SC Ethics Act; Title 6; Title 7

- These state laws along with any local ordinances plus Robert or any parliamentary authority govern the meetings of Council.
- You are an employee, but your understanding and preparation for your job require you to appreciate what these require from the mayor, from council and from you and from the others with whom you must work.
- Focus here on FOIA, Ethics & Robert

ETHICS ACT

- RECUSAL OR ABSENTION
- Most of you have a form that you give to council members so that it is easy for them to complete and provide for the meeting.
- Quorum with the abstentions
- Discussion by the abstaining party, Baird (1999)
- The Act applies to you as an employee

A form now in use

RECUSAL STATEMENT

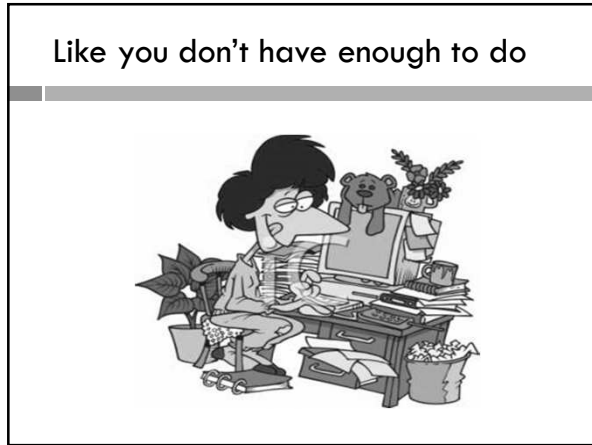
Member Name: _____
Meeting Date: _____
Agenda Item: Section _____ Number _____
Topic: _____

The Illinois Act, 90 Code 69.13-130 provides that no public official may knowingly use his office to obtain an economic interest for himself or family member of his immediate family, or individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the recusal member. (799) Op. Adv. Com. No. 93-17. A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:
 Professionally employed by or under contract with principal
 Owns or has vested interest in principal or property
 Other: _____

Date: _____ Member _____
Approved by Parliamentarian: _____

Like you don't have enough to do



The Freedom of Information Act

- Notice of the meeting
- Agenda for the meeting
- Minutes at the meeting
- Minutes after the meeting
- Contents of Minutes
- Code of Ordinances
- During the meeting

The agenda after Act 70 (2015)

- NOTICE
- “agenda for regularly scheduled or special meetings must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings.”

The agenda after Act 70 (2015)

- AMENDING AGENDA
- “After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting”

The agenda after Act 70 (2015)

- if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

The agenda after Act 70 (2015)

- Consent agendas
- The careful of an agenda item called “general comments by members”
- The agenda belongs to the council, not the chair or staff
- Executive session
- Public comment

About minutes: FOIA

- all motions and their disposition
- record the outcome of the vote
- votes of individual members on request
- Information requested to be placed in minutes
- date, time, place and members present
- type of meeting: regular, special, emergency

About minutes

- Approved minutes are public documents and the most recent six months are to be available immediately upon request
- Draft minutes are not yet public documents
- Your council may want more in the minutes than is required: that is their prerogative
- Public Hearings are not meetings of Council, no minutes are required

Differences:

PUBLIC HEARING

- Required by statute
- Example: your budget, some bonds
- Federal grant applications

PUBLIC COMMENT

- No legal requirement
- Should be confined by time
- Should require signup applications

Public participation during Council meetings

FOIA is a PUBLIC ATTENDANCE law, not a PUBLIC PARTICIPATION law

- Have sign-up procedure and other "rules"
- Consider limiting comments to agenda items
- Time limit – stick to it
- Comments limited to issues – not individuals
- Don't debate the public during the meeting
- Establish follow-up procedures

FORM FROM ONE COUNCIL

III. PUBLIC COMMENT PERIOD

Notes on Comment Period: Comments are limited to two minutes per person and no personal or verbal attacks will be entertained. The Council is interested in hearing your concerns, but speakers should not expect Council action or deliberation on subject matter brought up during the Public Comment Period. Topics requiring further investigation will be referred to the City Administrator and may be scheduled for a future agenda.

Basic Principles of Robert's Rules of Order

- Balancing efficiency with fairness
- One thing at a time - discussions must be germane
- No interruptions and no surprises
- Simple majority rules-usually
- Silence implies consent
- Everyone is equal (including the Mayor!!)
- An individual council member is secondary to the council as a whole

The Bottom Line

The sole purpose of a council meeting is to determine the collective will of the majority

Six steps to adopt a motion ..
and each one is extremely important



Adopting a Motion

- Step 1 Member makes a motion
- Step 2 Member seconds
- Step 3 Chair states the question
- Step 4 Members debate
- Step 5 Members vote
- Step 6 Chair announces the vote



Adopting Motions

Everything starts with a motion

Improper Handling of Amendments

- Three types of amendments .. strike, insert, or strike and insert
- Main motion - an amendment - and an amendment to an amendment
- Amendments limited to immediately pending motion and must be germane
- What is a "friendly amendment:
Amendments modify the previous motion"

The Presiding officer must
Know if a Motion is
"IN ORDER"

Procedures to Protect Rights

- Point of Order
- Appeal the decision of the Chair
- Point of information
- Parliamentary inquiry

Adopting main motions and amendments

Let's see how to handle the adoption of motions ...

with a few detours
along the way

Simplified Chart of Parliamentary Motions

Motion	Debatable	Amendable	Vote
Adjournment	no	no	majority
Recess	no	yes	majority
Lay on the table	no	no	majority
Close debate	no	no	2/3
Limit/Close Debate	no	yes	2/3
Postpone definitely	yes	yes	majority
Refer to committee	yes	yes	majority
Amend amendment	yes	no	majority
Amend main motion	yes	yes	majority
Main motion	yes	yes	majority

Motions to Delay Actions

- Refer to committee
- Adjourn
- Postpone to a definite time
- Object to consideration (2/3 vote)
- Recess
- Lay on the table

Re-Do Motions

- Reconsider
- Rescind
- Amend item previously adopted

Simplified Chart of Procedural Motions

Motion	Debatable	Amendable	Vote
Point of order	no	no	none
Inquiry	no	no	none
Object to consideration	no	no	2/3
Roll call	no	no	none
Appeal decision of chair	yes	no	majority
Divide question	no	yes	majority
Suspend rules	no	no	2/3

Points to Ponder

- You've carefully thought out all the angles.
- You've done it a thousand times.
- It comes naturally to you.
- You know what you're doing, it's what you've been trained to do.
- Nothing could possibly go wrong, right?
