The information provided here is for informational and educational purposes and current as of the date of publication. The information is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

Breaking Up with Robert's Rules: Alternate Parliamentary Procedures

SC Business Licensing Officials Association

SC Municipal Finance Officers, Clerks and Treasurers Association

Joint Academy

Eric Shytle, General Counsel

Municipal Association of South Carolina

The Legal Framework

SECTION 5-7-250. Council meetings; rules and procedures for meetings; freedom of information; emergency ordinances.

(a) The council, after public notice shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members.

(b) The council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings which shall be a public record.

(c) Procedures for meetings of a municipal governing body shall not conflict with the provisions of the general laws of the state with regard to freedom of information.

(d) [*Emergency Ordinances*]

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Today's Roadmap

- Why rules, and why not Robert's?
- The model rules and how to adopt them.
- The agenda: What goes on, and what comes back.
- Quorum, conflicts, and voting, including positive majority.
- Reading ordinances.
- Motions, the reference table, and two scenarios.
- What changes, and what goes in the minutes.

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Why Have Rules at All?

- A council of different people with different views still has to decide as one body.
- Good rules serve four goals:
  1. Let the majority act, but only after real deliberation;
  2. Protect the minority's right to be heard;
  3. Give every member a voice; and
  4. Keep meetings efficient and understandable.
- The goals pull against each other; good rules balance them.
- Rules protect the public's confidence in the outcome.

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Why Not Robert's?

- Written in 1876 by an Army engineer, Henry Robert, and modeled on the U.S. House of Representatives. Many South Carolina municipalities adopt it by reference.
- Designed for large assemblies. A five- or seven-member council is different.
- Over seventy distinct motions and a "ladder of precedence." Members shouldn't need a manual to ask a question.
- Debate stalls on procedure instead of substance, and residents can't follow it.
- Robert's says nothing about South Carolina law.

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The Model Simplified Rules

- Keeps the bones of Robert's (quorum, motions, debate, and voting) while cutting the complexity.
- Built around South Carolina law, including FOIA, the Ethics Act, and Title 5.
- Three pieces:
  1. The Rules, adopted by ordinance;
  2. A Supplement with plain-language notes and legal commentary; and
  3. A two-page Motion Reference Table to keep at the dais.
- Customizable for your city or town, with help from the Association.

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The Agenda

- The clerk prepares the agenda under the direction of the [mayor/manager/administrator].
- The mayor, or any [two] or more members, can place an item on a regular agenda by asking the clerk at least [five] business days ahead.
- The clerk distributes the packet early enough for meaningful review.
- Once the agenda is posted, items may be added only as FOIA allows (§ 30-4-80(A)).
- Unfinished business returns "in the ordinary course," but not everything comes back.

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What Comes Back?

What happened	Next agenda?	What comes back	Rule
Adjourned before reaching the item	Yes	The item, as posted	22(c)
Postponed to a date or meeting	Yes	Main motion with adopted amendments; pending amendments drop	14(d)
Referred to staff, committee, or attorney	The report	Report only; a member must make a new main motion	15(c)
Postponed indefinitely	No	Nothing; the motion dies	14(c)
Tabled and not recalled before adjournment	No	Nothing; the item dies	13(d)

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Quorum

- A quorum is a majority of all authorized seats, filled or not (§ 5-7-160). So if you have seven seats and two are vacant, the quorum is still four, not three.
- A member who resigns or whose term ends counts until a successor qualifies. A suspended member still counts.
- If the quorum is lost mid-meeting, official action stops. Council may recess, adjourn, or try to restore it.
- Check the quorum before calling the meeting to order.

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Conflicts of Interest

- A member with an Ethics Act conflict discloses it, leaves the room, and is not counted toward the quorum or the majority. *Anderson County v. Preston* (S.C. 2019) (a disqualified member may not be counted for a quorum).
- Narrow exception (Rule 5(c)): If excluding conflicted members breaks the quorum, the others may vote on the record to keep them in the room for the quorum only. They can't speak or vote.
- Use the exception only for urgent matters, and only after consulting the municipal attorney.
- Minutes must show the disclosure, the nonparticipation, and why the member stayed.

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Voting

- A majority of members present and voting carries, provided a quorum exists, unless the law requires more.
- A tie fails.
- Every member votes unless disqualified by an Ethics Act conflict. A member who won't vote is recorded "present and not voting," which counts neither way.
- Votes are taken by roll call or show of hands and recorded by name. A voice vote is fine for minor or procedural matters, but by name if any member asks (§ 30-4-90).
- No explaining votes during the vote; that belongs in debate.

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Watch for Positive Majority

Seven-member council. Five present. Vote: 3 yes, 1 no, 1 present and not voting.

Ordinary item

PASSES

3 of the 4 members voting is a majority of those present and voting.

Business license tax or service/user fee

FAILS

Needs 4 yes votes, a majority of all 7 seats whether present or not (§ 6-1-300(5)).

Positive majority applies to business license taxes (§ 6-1-315) and service or user fees (§ 6-1-330). For these votes, absences and abstentions work like "no" votes. The model rules cannot change that.

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Reading Ordinances

- Two readings, on separate days, at least six days apart (§ 5-7-270).
- At first reading, the ordinance must be in writing and "in the form required for final adoption." In practice: A title, any locally required elements, and enough to show its purpose and scope.
- A "reading" means identifying the ordinance by title, number, or description. No one has to read it aloud.
- Changes between readings are fine if they stay within the purpose and scope noticed at first reading (*Ani Creation, Inc. v. City of Myrtle Beach*, S.C. 2023). Substituting a different ordinance is not.

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Motions

- Twelve motions cover nearly everything a South Carolina council does.
- No ladder of precedence: pending motions are normally voted on newest first, working back to the main motion.
- The presiding officer can vary that order, rule a motion out of order, and decide points of order, but any member can appeal to the full council.
- Members may ask a question, or ask to get back to the agenda, without a formal motion.

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The Proposed Motions

- Main motion
- Amend
- Table
- Postpone
- Refer
- Call the question
- Point of Order
- Appeal
- Reconsider
- Executive Session
- Recess
- Adjourn

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How a Motion Works

- A member makes a motion: “I move to approve the contract with ABC Services.”
- Another member seconds it, a signal that it’s worth discussing. Some motions need no second.
- The presiding officer states the motion. Until then, the maker may withdraw or change it.
- Members debate and may make secondary motions.
- The presiding officer restates the motion, as amended, and calls the vote.
- The clerk records the motion, the vote, and the outcome.

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Use the Reference Table

Motion	What to Say	Can Interrupt?	Requires Second?	Debatable?	Amendable?	Vote Required	Notes & Restrictions
Main Motion	*"I move to [approve/adopt/pass]..."*	✗	✓	✓	✓	Majority	Only one pending at a time. State in affirmative form.
Amend	*"I move to amend the motion by [adding/striking/replacing]..."*	✗	✓	✓	✓*	Majority	*Can amend a prior amendment, but no more than two amendments pending at once. Must be relevant to main motion.
Table	*"I move to table [matter]."*	✗	✓	✗	✗	Majority	For urgent same-meeting business only, not to delay to a later meeting. Item dies at adjournment.
Recall from Table	*"I move to recall [matter] from the table."*	✗	✓	✗	✗	Majority	Same meeting only. Matter resumes in same posture as when tabled.
Postpone Indefinitely	*"I move to postpone [matter] indefinitely."*	✗	✓	✓	✓*	Majority	*Amendable as to nature or duration only; can convert from indefinite to time certain. Indefinite postponement kills the motion.
Postpone to a Certain Date or Meeting	*"I move to postpone [matter] to [time/date /meeting]."*	✗	✓	✓	✓*	Majority	*Amendable as to nature or duration only; can convert from time certain to indefinite. Matters postponed to a time certain return in the ordinary course.
Refer	*"I move to refer the matter to [staff/committee/ attorney] [to be returned by (date)]."*	✗	✓	✓	✓*	Majority	*Amendable as to referral party and return date. Original motion does not automatically return; Member makes new motion on report.

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Table v. Postpone

- **Table:** Set a matter aside briefly to handle something urgent tonight, such as a scheduled public hearing. Recall it the same meeting; if it is still on the table at adjournment, it dies.
- **Postpone to a date or meeting:** It returns on that agenda with any adopted amendments. Pending amendments drop.
- **Postpone indefinitely:** Kills the motion without a vote on the merits.
- **Rule of thumb:** Staying tonight? Table. Coming back another day? Postpone. Done with it? Postpone indefinitely.

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Try It

Scenario 1: A crowded floor

- Main motion: approve the ABC Services contract, up to $50,000.
- Amend: change $50,000 to $45,000.
- Refer the contract to the attorney.
- Amend the amendment: $48,000.
- *What is voted on first? If the referral passes, what goes in the minutes and on the next agenda?*

Scenario 2: Second thoughts

- At 7:15, council approves a $200,000 paving contract, 4–3.
- At 8:30, a member who voted no moves to reconsider.
- At the next meeting, a member who voted yes moves to reconsider.
- *Is either motion in order? If not, what is the right route?*

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What Changes

If your council now…	Under the model rules…	Rule
Accepts “friendly amendments”	Every amendment needs a second and a majority vote	12(c)
Uses a motion to substitute	Not available; amend instead	12(c)
Tables an item to the next meeting	Postpone it; a tabled item dies at adjournment	13
Reconsiders at the next meeting	Same meeting only; later, rescind or repeal	20
Lets members abstain	Must vote unless conflicted, or is recorded “present and not voting”	7
Has a mayor who votes only on ties	Mayor may move, second, debate, and vote	4
Follows a ladder of precedence	Newest motion first; the presiding officer may vary it, subject to appeal	10(d)

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Minutes Checklist

- The exact wording of every main motion. Ask members to hand you written motions.
- Votes by name (roll call or show of hands). A voice vote on a minor item records only the outcome, unless a member asks.
- “Present and not voting” for any member who doesn’t vote.
- Conflicts: the disclosure, the nonparticipation, and why the member stayed, if kept for the quorum.
- Executive session: the specific FOIA purpose, announced in public before going in.
- Every tabled, postponed, or referred item, and whether it comes back.

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Local Implementation

- Adopt by ordinance.
- Fill in the blanks: who directs the agenda, how many members can add an item, and the notice deadline.
- Customize within state law, for example with a ladder of precedence or a mayor who votes only on ties.
- Electronic participation is not covered (Rule 1(d)); handle it by separate ordinance or policy.
- Extend the rules to boards and commissions by resolution, unless state law lets a board set its own.
- The Association can help you tailor and adopt them.

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Takeaways

- Simple, plain-language rules make better meetings and cleaner minutes.
- Know what comes back on the next agenda, and what doesn't.
- Majority of those voting is the default, but positive majority still governs taxes and fees.
- Record votes by name, conflicts in full, and the purpose of every executive session.
- South Carolina law is built in, not bolted on.

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