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Parliamentary Procedures 101

Municipal Clerks and Treasurers Institute
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What is Parliamentary Procedure?


Parliamentary Law:

- The general body of rules and precedents governing deliberative assemblies.
- Developed from British Parliament and refined in legislatures worldwide.

Parliamentary Procedure:

- Parliamentary law as applied in a specific organization.
- Incorporates the body's own bylaws, rules of order, and customs.

Robert's Rules of Order, right?



But Actually

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.



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And Maybe



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Seven Basic Principles for Rules of Procedure

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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Seven Core Questions for Rules of Procedure

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



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Core Question 1: Agenda

- The council as a body is ultimately responsible for its own meeting agendas.
- But in practice it is necessary to delegate the preparation of the agenda to one or more persons. Have you clearly identified the person who has that role?
- How does someone else add an item to the agenda?
- Best practice is to avoid a vote approving the agenda at the meeting. It is already “final” when published for FOIA purposes.



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Core Question 2: Quorum

- Number of members who must be present to conduct business.
- Defined as “majority of membership,” which means more than $\frac{1}{2}$ of total seats.
- What if a member temporarily steps out?
- What about vacancies?



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Core Question 2: Quorum

Related Question of “Majority”

A motion is approved by majority vote. Consider different types of majority:

- Simple: A majority of those present at a meeting.
- Positive: A majority of the total membership of the body, whether they are present or not.

In the absence of an applicable law or rule, a simple majority can act.



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Sidebar on Questions 3 – 5: The Decision-Making Process

Core Question 3: Motions

- A member makes a motion.
- A member seconds (if required).
- Chair restates the question.

Core Question 4: Discussion and Debate

- The members discuss and debate (although many cities and towns allow discussion or debate before the motion is made).

Core Question 5: Voting

- The members vote.
- The chair announces the vote.



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Core Question 3: Motions Framework and Issues

- Only one substantive (main) motion may be pending at a time. Multiple secondary or procedural motions may be pending at the same time.
- Do you require a motion before any discussion, or do you allow discussion prior to a motion being made?
- Are seconds to motions always required?
- Are all motions debatable?
- When is a motion out of order?



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Core Question 3: Motions Making a Motion

First: A member makes a motion.

- The moving member must first be recognized by chair. This is what it means to “have the floor.”
- When a motion is poorly worded, the chair has the option to assist in clarifying. Ordinarily, motions should be in writing to avoid confusion. In any event, make sure to state the motion carefully.
- Unless there is a contrary local rule, the chair can make motion. He or she should be cautious in doing so.



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Core Question 3: Motions

Seconding a Motion

Second: A member seconds the motion.

- Seconding a motion implies only that the member is willing to allow the motion to be discussed, not that the member supports the motion. The purpose of the rule requiring a second is to prevent a single member from presenting a topic that no other member wants to hear or discuss.
- If there is no second, the motion dies. This is procedurally different from voting down a motion.
- Some items do not require a second – point of order, point of information, committee recommendations, and others.
- A member may second a motion without being recognized by the chair.



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Core Question 3: Motions

Restating a Motion

Third: The chair restates the motion.

- The chair's restatement formally places the motion for action before the members.
- The chair may (and often should) restate the motion during debate.
- The chair may (and often should) remind the body if it strays from the currently pending question.
- The body is required to do something with the motion before moving to the next item.



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Core Question 3: Motions

Main Motions

- A main motion brings a substantive question to the body for consideration.
- Main motions are the foundation of council action; all other motions relate to them.
- Only one main motion may be pending at a time.
- A main motion requires a second, is debatable, and may be amended.
- Example: A motion to adopt an ordinance or approve a contract.



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Core Question 3: Motions

Secondary Motions

A secondary motion is one made while a main motion is pending, to affect how the body considers or handles it.

- Subsidiary motions apply directly to the main motion (e.g., amend, postpone, refer, close debate).
- Privileged motions are urgent matters not related to the main motion (e.g., recess, adjourn, questions of privilege).
- Incidental motions arise out of the process itself and may be thought of as raising procedural questions (e.g., point of order, appeal, suspend rules).
- Motions that bring a question back revisit previously disposed matters (e.g., reconsider, rescind, take from the table).



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Core Question 3: Motions

The Robert's Rules Approach



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Core Question 3: Motions

The Robert's Rules Approach

- All main motions and secondary motions have a number or rank.
- While a main motion is pending, higher ranking motions may be made but lower ranking motions are "Out of Order."
- There are 13 motions with ranks.



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Core Question 3: Motions

The Robert's Rules Approach

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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Core Question 3: Motions

The Robert's Rules Approach

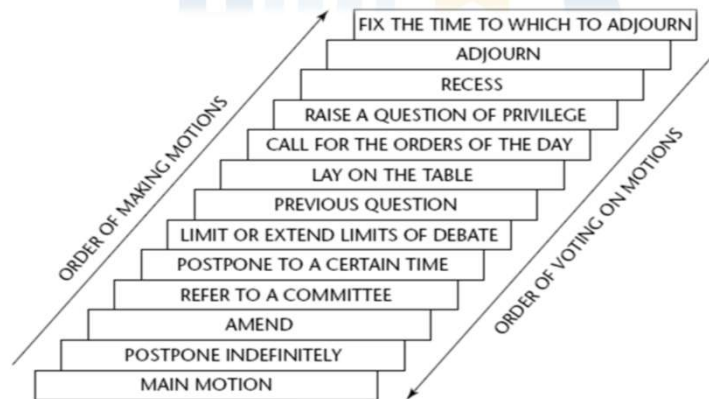
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|--|--------------------------------------|
| 1. Fix the Time to Which to Adjourn | 8. Limit or Extend Limits of Debate |
| 2. Adjourn | 9. Postpone to a Time Certain |
| 3. Recess | 10. Commit or Refer |
| 4. Raise a Question of Privilege | 11. Amend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



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Core Question 3: Motions

The Robert's Rules Approach



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Core Question 3: Motions

Motion to Amend

Amendments change how the main motion will read before it is finally subjected to a vote.

Three basic types of amendments:

- Add, strike, or substitute words, phrases, or entire sections.

Layers of amendment allowed:

- One amendment to the main motion (primary amendment).
- One amendment to that amendment (secondary amendment).
- *No further amendments beyond that.*

Requirements for amendments:

- Must relate directly to the pending motion (must be germane).
- Only one question can be pending at a time (motion → amendment → amendment to amendment).



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Core Question 3: Motions

Motion to Amend

- A motion to amend should not have as its intent a reversal of the main motion. For example, if the main motion is to “approve a requested rezoning,” it is not a proper motion to submit an amendment to “not approve a requested rezoning.”



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Core Question 3: Motions

Closing Debate

- Robert’s Rules calls this a motion for the previous question. It is commonly referred to as “calling the question.” It is a motion to end debate and proceed to an immediate vote on the pending motion(s).
- It may be made only when no one else has the floor.
- It is not debatable and cannot be amended, but it does require a second and a 2/3 vote to adopt.
- If it is adopted, then debate ends and the body votes immediately on the pending motion(s). If it is defeated, debate continues.



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Core Question 3: Motions Point of Order or Information

- A point of order is used when a member believes that the rules are being violated. The member raising a point of order may interrupt a speaker if the breach is urgent. The chair rules whether the point is “well taken” or “not well taken.” It is not debatable and no second is required.
- A point of information is used to ask the chair or another member for factual clarification. It cannot be used to argue or debate. The member wishing to raise a point of information should wait until the current speaker yields the floor (unless urgent and allowed by chair). The chair will recognize the point of information and direct a response.



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Core Question 3: Motions Motion to Suspend the Rules

- A motion to suspend the rules allows the body to set aside its normal parliamentary rules for a specific situation. It cannot be used to suspend bylaws, local ordinances, state statutes, or constitutional requirements. It applies only to rules of procedure adopted by the body itself.
- It requires a second, is not debatable, and requires a 2/3 vote to approve. It applies only to the immediate situation and does not create precedent.
- Examples of proper use:
 - Allow a non-member (e.g., citizen, staff, or attorney) to speak in debate.
 - Extend or shorten speaking time limits.
 - Rearrange the order of the agenda.
 - Take up a matter out of its usual sequence.



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Core Question 4: Debate

Fourth: The members discuss or debate.

- The maker of the motion is allowed to speak first. When a motion had been made and seconded, an effective chair will ask something like, “Would you like to explain why you support the matter you have moved?”
- The member who made the motion should not speak against the motion, but neither the member who made the motion nor the member who seconded it are required to vote in favor of the motion.



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Core Question 5: Voting

Fifth: The members vote.

- The chair should repeat the full motion after the conclusion of debate but before the vote.
- Recusals and abstentions should be properly observed and recorded in the minutes.
- A tie vote means the motion is defeated.
- Voting may occur by unanimous consent, voice vote, show of hands, or roll call. Remember that FOIA requires the minutes to contain “the substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.”



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Core Question 5: Voting

General or Unanimous Consent.

- When used appropriately, this method of voting is an aid to efficiency.
- For example, the chair could state: “If there is no objection, the minutes for the last meeting will be approved. [Pause] Hearing no objection, the minutes are approved.”
- If a member does object, the chair may then restate the question and follow the ordinary procedures for a motion.



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Core Question 5: Voting Abstention

- In the absence of a contrary local rule, a member has the right to abstain.
- A recusal is different than an abstention. Recusal means that, under applicable rules, the member cannot vote on the matter. Abstention means that the member could, but chooses not to, vote on the matter.
- Abstentions are counted and noted, but not as a “yes” or “no” vote.
- Except in unusual situations, a motion carries if a majority of the members present and voting cast their votes in favor.
- Under weird South Carolina precedent, an abstaining member counts in establishing a quorum, but a recused member does not.



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Core Question 5: Voting Tie Votes

- In the case of advisory matters – for example, a recommendation from the planning commission – a tie vote or a failed motion will be reported as “no recommendation” to the council.
- As noted above, in the ordinary course of events, a tie vote results in the defeat of the motion.
- In some cases, a member who expects a tie vote might attempt to game the system by phrasing the motion to get what the member wants through a failed vote. For example: “Should the council refuse to renew the maintenance contract with Shytle Elevator Services?”
- Rule of thumb: A motion is intended to alter the status quo, so it should be worded in the affirmative.



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Core Question 6: Postponing and Reviving Matters

These are technically “motions,” and could have been included in prior section on motions. But they are important enough to consider separately, as the terms are commonly misused.

- A motion to postpone to a certain time delays consideration to a specific later time, perhaps later in the same meeting, at the next meeting, or to a date certain. In this context, the body intends to resume debate and decision.
- A motion to postpone indefinitely disposes of (“kills”) the main motion without a direct vote on it. If adopted, the main motion is defeated for the duration of the session.
- A motion to lay on the table sets the matter aside temporarily to deal with urgent business. Unless the main motion is taken up again in the same meeting, the motion dies. To return to the main motion, a member must move to take it from the table. It is not a tool for “postponing” the main motion.



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Core Question 6: Postponing and Reviving Matters

- A motion to take an item from the table revives a motion that was laid aside earlier in the same meeting. It must be taken up before the meeting ends, or the original main motion dies. It requires a majority vote.
- A motion to reconsider reopens a motion already voted on in the same meeting. It can be made only by someone who voted on the winning side. The purpose is to protect against hasty or mistaken action. It requires a majority.
- A motion to rescind or repeal cancels or nullifies a motion adopted at a previous meeting. It can be moved by any member, regardless of how they voted previously.



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Core Question 7: Public Input Public Hearing Protocols

- State law requires a formal public hearing for certain matters, for example approving a budget or a rezoning. Public hearings protect due process, which requires that everyone affected by the actions must have a fair chance to be heard.
- The purpose of a public hearing is to allow the public to present its views and the body to gather information, not to have a debate with the board.
- Public hearing procedures must be applied consistently and fairly.



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Core Question 7: Public Input Public Hearing Protocols

- Citizens should direct remarks to the Chair, not to staff, board members, or other speakers.
- The body should not interact or argue with speakers during hearing. The chair may ask clarifying questions.
- The body should establish clear time limits for each speaker and communicate those limits in advance. The body must enforce time limits fairly and consistently.
- The usual order of comments is to allow an applicant presentation, followed by those in favor, those opposed, and an applicant rebuttal.



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Core Question 7: Public Input Public Hearing Protocols

- The chair should rule out of order personal attacks or irrelevant remarks.
- The body should anticipate and prepare for accusations (e.g., “corruption” claims). Keep the tone firm but respectful.
- The body may include the protocols in the agenda packet, and the chair should read the ground rules at start of hearing.



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Core Question 7: Public Input Optional Public Comment Periods

- State law does not require that cities and towns allow general public comment periods during their meetings.
- Many cities and towns allow public comment periods as fostering transparency and citizen responsiveness.
- If you do allow public comment periods, you should have rules that at a minimum establish time limits, civility expectations, and relevancy requirements.



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Questions and Comments?

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