

RULES OF ORDER AND PROCEDURE OVERVIEW

Sandy City Council

January 3, 2017

WHY HAVE PARLIAMENTARY RULES?

“How many times have you been to a meeting that didn’t go well? Did it seem that the chair didn’t keep order? Was there a feeling that something was “railroaded”? Did it take an interminable amount of time to settle the simplest things? What was wrong?”

—Robert’s Rules of Order Newly Revised In Brief

MEETING PARADOX

When a meeting reaches a level of complexity due to size or difficulty of issues under consideration... “A certain paradox appears. In order to preserve its freedom to act, the body must impose regulation.”

—Robert’s Rules of Order Newly Revised In Brief

STATE LAW REQUIRES RULES

- ▶ Utah Code § 10-3-606 Rules of order and procedure.
 - ▶ A set of rules that govern:
 - ▶ Parliamentary order and procedure
 - ▶ Ethical behavior
 - ▶ Civil discourse
 - ▶ A municipal legislative body shall:
 - ▶ Adopt rules of order and procedure to govern a public meeting
 - ▶ Conduct a public meeting in accordance with the adopted rules of order and procedure
 - ▶ Make the rules available to the public

WHAT ABOUT ROBERT'S RULES?

- ▶ Not advisable for the Council to adopt Robert's Rules as its parliamentary authority
 - ▶ Too complex
 - ▶ = 669 pages + tables and index
 - ▶ Council actions may be subject to question for failing to follow Robert's Rules
 - ▶ Does not always adapt well to a public meeting/hearing
 - ▶ Provides guidance to members of a deliberative assembly
 - ▶ Does not address public participation well
- ▶ Should serve as a guide for basic procedure

HISTORY OF COUNCIL RULES

- ▶ Council Rules & Procedures for Conduct of Council Meetings
 - ▶ Adopted June 12, 1984
- ▶ Council Guidelines, Conduct of Official Council Meetings
 - ▶ Amended & re-adopted October 30, 2007
- ▶ Council Rules of Procedure
 - ▶ Adopted March 29, 2016

COUNCIL RULES OF PROCEDURE

- ▶ Describes basic parliamentary procedure for Council Members
- ▶ Does not address public participation in meetings or hearings
- ▶ Captures the Council's traditional practices
 1. Standard Order of Business
 2. Motions
 1. Amendments
 2. Reconsideration
 3. Debate
 1. Previous Question
 2. Appeal
 4. Quorum
 5. Voting
 1. Amending the Rules

MOTIONS

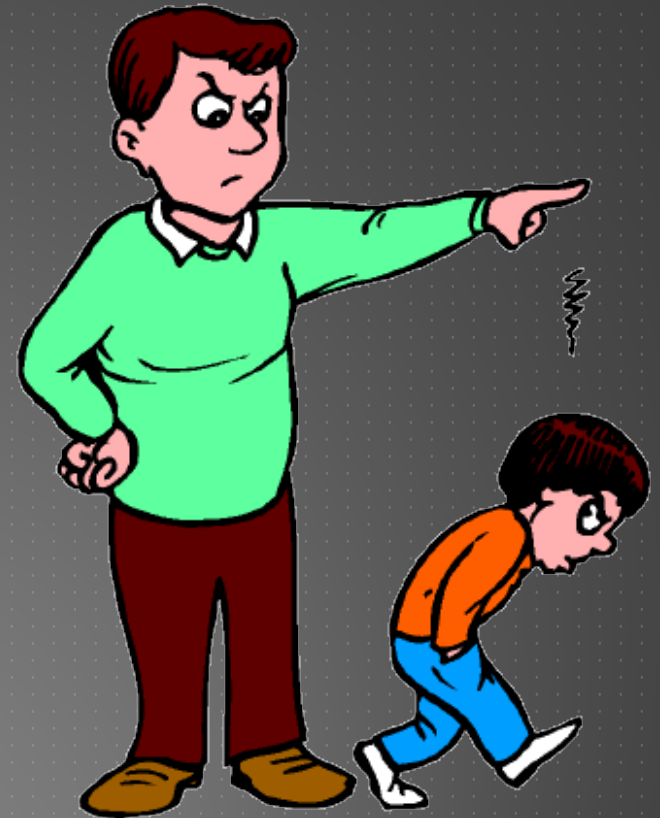
- ▶ **Main motion** brings business before the Council
 - ▶ 2nd signifies at least one other person considers it worth of debate
 - ▶ Motion language may be amended (no more than twice)
 - ▶ May not “hijack” main motion to some other subject or by the negation of the main motion
- ▶ **Reconsideration**
 - ▶ = How the Council or its Members change their mind
 - ▶ **Motion to Reconsider** brings up an item at the same meeting in which the vote occurred
 - ▶ Must have voted in majority
 - ▶ **Motion to Amend or Rescind** bring item up at a subsequent meeting
 - ▶ Item must be properly agendized (Open & Public Meetings Act)
 - ▶ Majority condition does not apply
- ▶ **Appeal**
 - ▶ Parliamentary decisions of the chair may be appealed to the group as a whole. Majority rules.

IMPROPER MOTIONS

“No motion is in order that conflicts with federal, state, or local law; with the rules of a parent organization, or with the organization’s constitution, bylaws, or other rules of the organization. Even if a unanimous vote adopts the motion it is null and void if it conflicts with the previously mentioned rules.”

Robert’s Rules of Order, Simplified & Applied

Third Edition, Webster’s New World



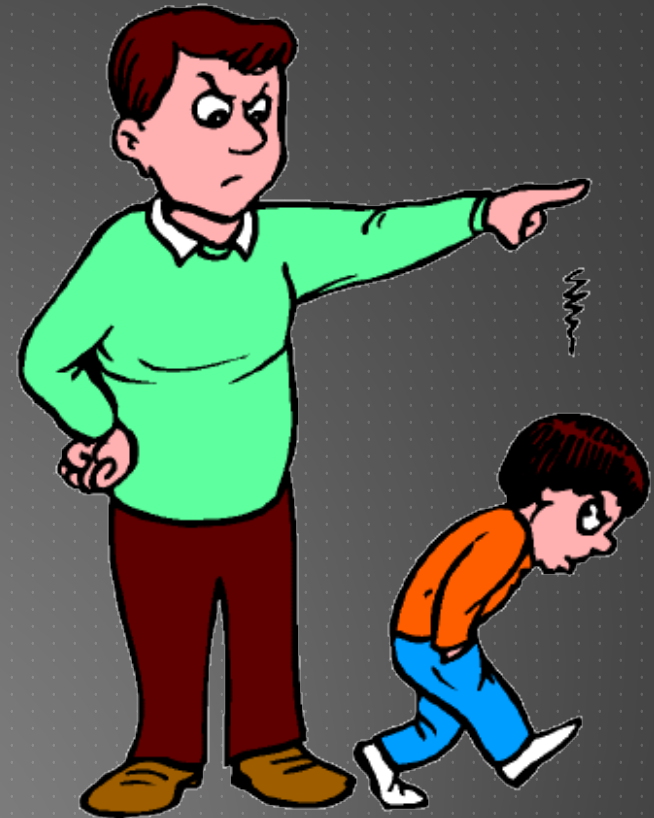
IMPROPER MOTIONS

“Any member may raise a Point of order without having first been recognized by the Chair in order to seek clarification on a parliamentary question. The Chair will rule on the Point of Order.

Rulings of the Chair may be appealed to the city Council as a whole. A majority vote of the City Council may override a ruling of the Chair.”

Sandy City Council Rules of Procedure

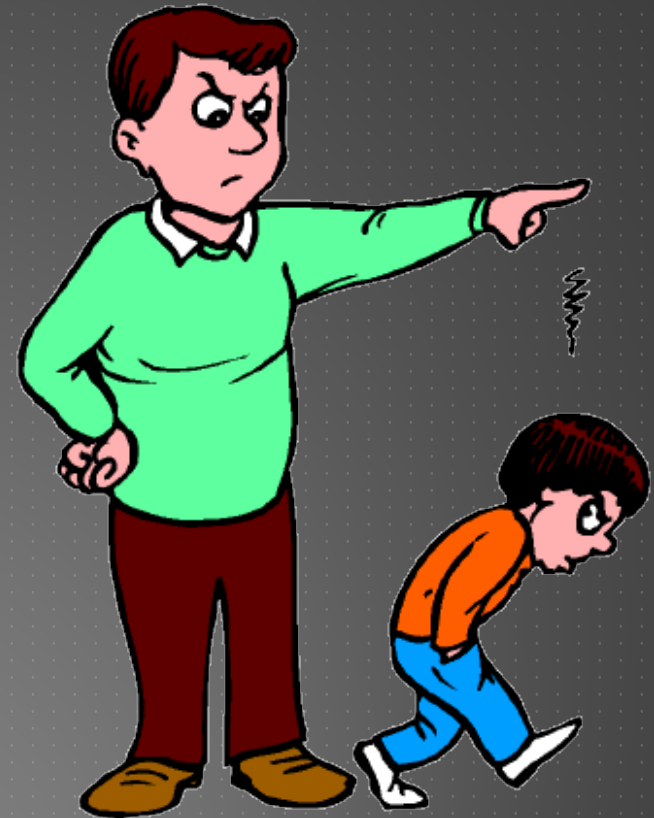
Adopted March 29, 2016



IMPROPER MOTIONS

“A motion that proposes action outside the scope of the organization’s object (which should be written in the corporate charter or bylaws) is not in order unless the members vote to allow it to be considered. Doing so take a two-thirds vote.”

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and REMEMBER ...

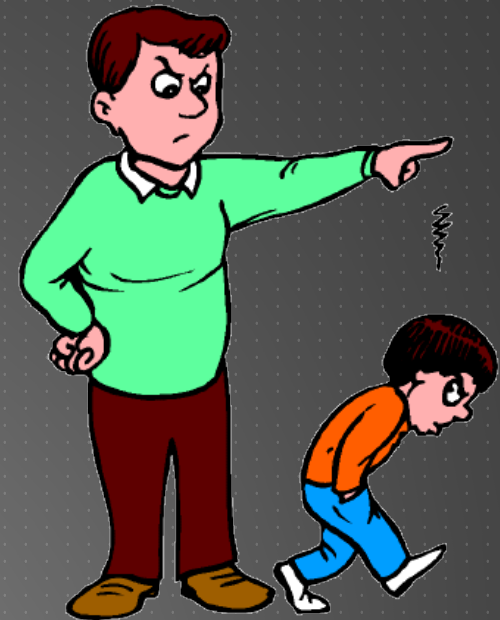


IMPROPER MOTIONS

Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.

(1) (a) A municipal legislative body may:
(i) appropriate money for corporate purposes only; . . .

(3) It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the municipal legislative body **[4 votes]**, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality subject to the following: . . .



UCA 10-8-2 et seq

IMPROPER MOTIONS

“Motions of the Sandy City Council are neither illegal nor legal; they are either proper or improper, as determined by the Chair, or by a subsequent successful appeal of the Chair’s ruling.”

Rob Wall

Lawyer



WHO RULES AT THE MEETING?

“The group as a whole, not the chair, is the final authority in judging whether the rules have been violated. If you disagree with a ruling by the chair, you may appeal it to the group as a whole.”

—Robert’s Rules of Order Newly Revised In Brief

ROLE OF CHAIR (ROBERT'S RULES)

1. Ascertain a quorum is present; call the meeting to order
2. Announce the proper sequence of business before the assembly
3. Recognize members entitled to the floor
4. State and put to vote all questions that legitimately come before the assembly as motions
5. Protect the assembly from dilatory motions by refusing to recognize them
6. Enforce the rules related to debate, order and decorum
7. Expedite business in a way compatible with the rights of members
8. Decide all questions of order (subject to appeal)
9. Respond to inquiries related to parliamentary procedure
10. Authenticate by signature all acts, orders and proceedings
11. Declare the meeting adjourned when the assembly so votes

ROLE OF CHAIR (OLD POLICY)

- ▶ Election of Officers Policy (adopted 2001 & 2009):
 1. Chair meetings
 2. Sign official documents and critical correspondence
 3. Represent official positions taken by the Council
 4. Formally supervise the Director of the Council Office

ROLE OF CHAIR (CURRENT POLICY)

▶ Role of Chair Policy (adopted August 18, 2015)

- ▶ “The primary role of the Chair is to serve the City Council as a facilitator, helping the Council understand common objectives and assisting the Council in planning how to achieve these objectives.”

1. Set the agenda and schedule

- Should not delete items from published agenda
- May add items consistent with Open & Public Meetings Act

2. Chair meetings

- “role...does not bestow any special privileges of debate such as time allowed for comments, interjects or closing remarks.”
- Balance debate

3. Supervise Council Office Director

4. “Public face” of Council to media

SETTING THE AGENDA

- ▶ Concept Approval Guideline (aka Legislative Policy)
 - ▶ Adopted March 15, 2015
 - ▶ How Council Member items get on the agenda according to the Council
1. Member has idea.
 2. Member puts idea in writing.
 3. Chair schedules idea for Council Meeting
 4. Council votes on whether the idea warrants more consideration
 5. Research, analysis, conversation happens.
 6. Chair schedules item for a final vote of the Council.

AGAIN, WHO RULES AT THE MEETING?

Obviously, the state mandated rules are not an extensive procedural code. This leaves most of the rules of procedure to the governing body to determine and adopt. Since some Utah cities and towns have not formally adopted rules, and even those that have continue to operate by some kind of traditional forms of procedure handed down from council to council see to ignore their own rules. The procedure usually consist of some elements of Robert's Rules of Order, including a system where matters are considered only after there is motion and second. Since these traditional rules are not written anywhere and most people are not well versed in Roberts Rules of Order, the chair is left with a great deal of discretion in conducting the meeting. If the council thinks the chair is abusing this discretion, the solution is for the council to adopt different rules of procedure or insist that the chair follow the adopted rules. Once the council adopts rules of procedure the chair must enforce them and it is completely appropriate for council members to insist that the rules be followed. Likewise a council member has no room to complain if the chair is apparently being overbearing and heavy handed in the conduct of the meeting if all the chair is doing is enforcing rules adopted by the council or former council.

—Utah League of Cities and Towns, Powers and Duties, A Handbook for Utah Municipal Officials

ROLE OF PARLIAMENTARIAN

- ▶ Advises chair in responding to points of order
- ▶ Provides advice on conducting the meeting according to the rules
- ▶ Purely advisory
 - ▶ Only the chair may rule (subject to appeal) on the proper application of the rules

WHY HAVE RULES?

- ▶ A shared understanding and fair application of the rules:
 - ▶ Required by state law
 - ▶ Guides the chair in facilitating order
 - ▶ Avoids feelings that something was “railroaded” or intentionally ignored
 - ▶ Business is handled as expeditiously as possible

STAFF OBSERVATIONS

- ▶ Lack of shared understanding of rules and/or different interpretations
- ▶ Inconsistent rule application
- ▶ Feelings that rulings are unfair or arbitrary
- ▶ Feeling that rules are restrictive
- ▶ Wide discretion created by what rules omit
- ▶ Lack of conversation about how to improve these conditions
 - ▶ Better rules
 - ▶ Less rules
 - ▶ Training
 - ▶ Time in meetings