"I Second That Motion"
Local Government Board Procedures

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What is Parliamentary Procedure?

- **Parliamentary Law**: "[R]ecognized rules, precedents and usages of legislative bodies by which their procedure is regulated. It is that system of rules and precedents that originated in the British Parliament and . . . has been developed by legislative or deliberative bodies in this and other countries." *Mason's Manual of Legislative Procedure* §35 (2010 ed.).

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- **Parliamentary Procedure:** "'[P]arliamentary law as it is followed in any given assembly or organization, together with whatever rules of order the body may have adopted." RONR (11th ed.) p. xxx.

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Is This Your Board?

Purposes of Parliamentary Procedure?

- To allow the will of the majority to be determined in an orderly and efficient manner.
- To protect the rights of individual members and minorities, particularly their right to participate in the group's deliberations.
- *Mason's*, § 1.

Sources of Rules

Slide 1

Statutes

Article 33C.
Meetings of Public Bodies.

...gislative, policy-making, quasi-judicial, administrative,
...le's business, it is the public policy of North Carolina t...

Local Rules

City Charters
Ordinances
Local Acts

"Fall-back"
Resources

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Slide 2

Local Rules

G.S. 160A-71(e): The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.

G.S. 153A-41: The board of commissioners may adopt its own rules of procedure, in keeping with the size and nature of the board and *in the spirit* of generally accepted principles of parliamentary procedure.

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7 Basic Principles

1. The board's authority is defined and limited by state law.

2. The board must act as a body.

3. A quorum is necessary for the board to act.

4. The board must act by majority vote.

5. Every member has an equal right to participate.

6. There must be an opportunity for debate.

7. Meetings should be characterized by fairness and good faith.

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8 Common Problem Areas

"That's three ayes, and one abstention."

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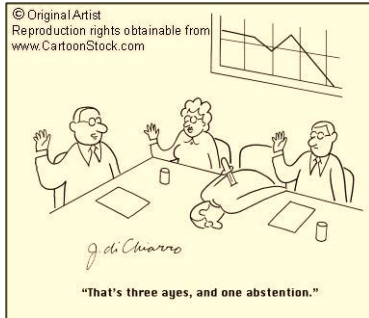
1. Setting the Agenda
2. Quorum
3. Considering Motions
4. Handling Debate
5. Voting
6. Postponing / Reviving Matters
7. Adjusting for Type of Meeting
8. Managing Public Input

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1. Setting the 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.)?

2. Quorum

- Quorum = number of members who must be present for body to conduct business.

- For small bodies, quorum is usually defined as more than half of a body's members.

- What about vacant seats?

Counting Quorums - Cities

| Total Seats | ➕ | Mayor | ➖ | Vacant Seats | 🟰 | X | Quorum = more than ½ of X |

Counting Quorums - Counties

| More than ½ of total seats | 🟰 | Quorum |

Quorum Math

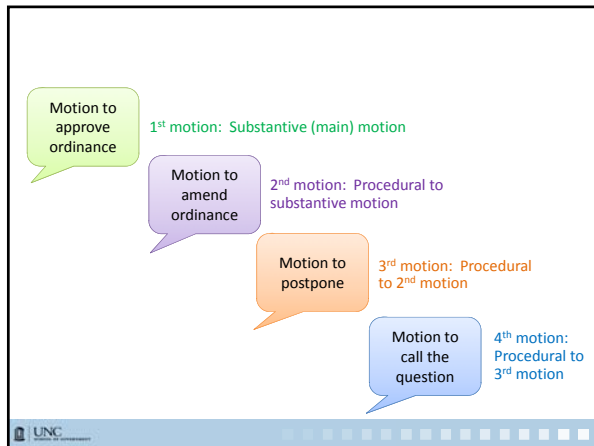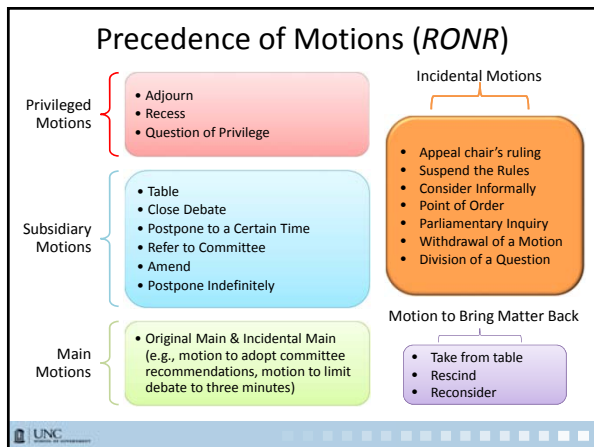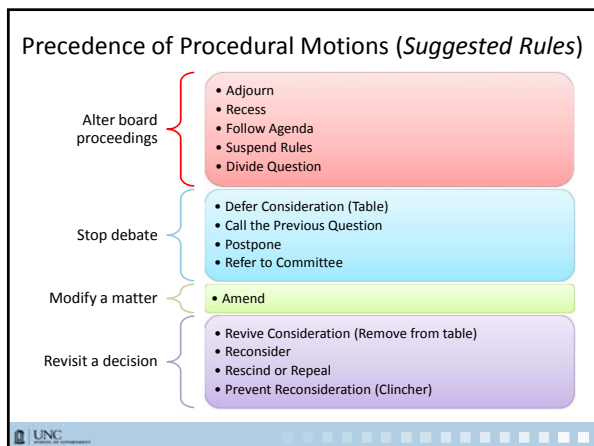|	**Cities**	**Counties**
Vacancies	**DO NOT** count	**DO** count
Mayor/Chairman	Counts	Counts
Member steps out unexcused	Still counts	Still counts
Member steps out excused	No longer counts	No longer counts

- What if a member steps out of a meeting?

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3. Considering 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 needed?
- When is a motion out of order?

Slide 1

Motion to approve ordinance

1st motion: Substantive (main) motion

Motion to amend ordinance

2nd motion: Procedural to substantive motion

Motion to postpone

3rd motion: Procedural to 2nd motion

Motion to call the question

4th motion: Procedural to 3rd motion

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Slide 2

Precedence of Motions (*RONR*)

Privileged Motions
- Adjourn
- Recess
- Question of Privilege

Incidental Motions
- Appeal chair's ruling
- Suspend the Rules
- Consider Informally
- Point of Order
- Parliamentary Inquiry
- Withdrawal of a Motion
- Division of a Question

Subsidiary Motions
- Table
- Close Debate
- Postpone to a Certain Time
- Refer to Committee
- Amend
- Postpone Indefinitely

Main Motions
- Original Main & Incidental Main (e.g., motion to adopt committee recommendations, motion to limit debate to three minutes)

Motion to Bring Matter Back
- Take from table
- Rescind
- Reconsider

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Precedence of Procedural Motions (*Suggested Rules*)

Alter board proceedings
- Adjourn
- Recess
- Follow Agenda
- Suspend Rules
- Divide Question

Stop debate
- Defer Consideration (Table)
- Call the Previous Question
- Postpone
- Refer to Committee

Modify a matter
- Amend

Revisit a decision
- Revive Consideration (Remove from table)
- Reconsider
- Rescind or Repeal
- Prevent Reconsideration (Clincher)

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4. Handling 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 vote of the board
  - Debate?

5. Voting

- Member may be excused from voting only if matter involves the member's financial interest or official conduct or member is prohibited from voting under
  - 14-234 (direct benefit in contracting)
  - 160A-381(d)/153A-340(g) (legislative zoning decisions)
  - 160A-388(e)(2) (quasi-judicial decisions)

- What if unexcused failure to vote?

- Usually only a simple majority is required
- Does the Mayor or Chair vote?
- Record votes in the minutes
- Voting by ballot

Cities

- Special voting requirements in some instances

- Approve ordinance, (or amendment to ordinance), or contract
  - Majority of all members not excused from voting (including mayor if equal division)

- Adopt ordinance on date of introduction
  - 2/3 actual membership – vacant seats
  - Mayor included only if she has right to vote on all questions

Counties

- Special voting requirements in some instances

- Approve ordinance or action having effect of ordinance on date of introduction
  - Approval of ALL members of BOC
  - Exceptions

- Approve ordinance or action having effect of ordinance at subsequent meeting
  - Majority of votes cast, a quorum being present

Problem 1

- Council has 7 seats, but 2 are vacant. Mayor may vote on all questions. On DOI council votes 4 to 2 in favor of proposed ordinance amendment. Result?

Problem 2

- Council has 6 seats, no vacancies. Mayor votes only in case of a tie. With 1 member excused from voting, council votes 3 to 2 in favor of ordinance to restrict discharge of firearms within city limits. Vote doesn't occur on DOI. Result?

Problem 3

- Board of County Commissioners has 8 seats, one of which is vacant. With one 1 excused from voting, the board votes 6-0 in favor of adopting a noise ordinance on the DOI. Result?

Problem 4

- Same 8-member board votes 2-1 to adopt a proposed pet ordinance, with 3 members absent and 2 excused from voting. The vote occurs at the 1st regular meeting following the DOI. Result?

6. Postponing / Reviving Matters

Procedural Options:

- Defer consideration (Table)
- Revive consideration (Take from table)
- Prevent reintroduction ('Clincher')
- Postpone to a certain date
- Reconsider
- Rescind or repeal

7. Adjusting for Type of Meeting

- Notice, procedural requirements, and what can be considered may vary depending on type of meeting
  - Regular meeting
  - Special / emergency meeting
  - Quasi-judicial meeting
  - Recessed / adjourned meeting
  - Workshop
- Always check state law for specific requirements!

8. 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)

Public Comment Rules: Tips & Suggestions
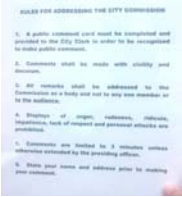
✓ Time limit for speakers *(timekeeper?)*
✓ Representative to speak for large group
✓ Remove disruptive individuals
✓ Limits signs and displays
✓ Sign-up sheet
✓ No personal attacks, profanity, etc.
✓ Receiving written comments, handouts, etc.

RONR for Small Boards

- Member may raise hand instead of standing when seeking to obtain the floor and may remain seated while speaking.
- Motions need not be seconded
- There is no limit to number of times members may speak to debatable question.
- Informal discussion of subject is permitted while no motion pending.

- When proposal is perfectly clear to all present, vote may occur without a motion.
- Presiding officer need not rise while putting questions to a vote.
- If presiding officer is a member, she may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.
- *RONR* (11th ed.), pp. 487-88.

Bottom Line:
KEEP IT SIMPLE!

Resources

SOG Publications: **www.sog.unc.edu**