



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.).



- **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.



Is This Your Board?



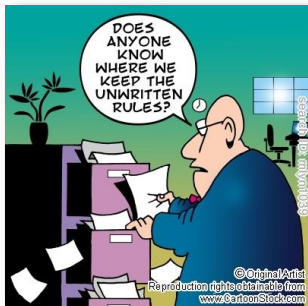
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Purposes of Parliamentary Procedure?

- 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.

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Sources of Rules




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Statutes

Article 33C
Meetings of Public Bodies.


legislative, policy-making, quasi-judicial, administrative, etc's business, it is the public policy of North Carolina it


Local Rules



City Charters
Ordinances
Local Acts

"Fall-back" Resources






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.



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**.

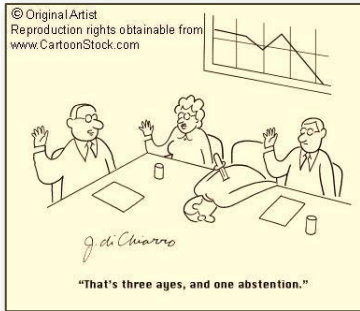
5. Every member has an equal right to **participate**.

6. There must be an opportunity for **debate**.

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



8 Common Problem Areas



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



1. Setting the Agenda

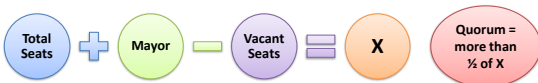
- The board is **ultimately responsible** for its own meeting agendas
- Preparing a preliminary agenda may be **delegated**
- A majority of the board can always **amend** the agenda
- Is there a **legal restriction** on the subject-matter of the meeting (regular, special, etc.)?



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



Counting Quorums - Counties



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

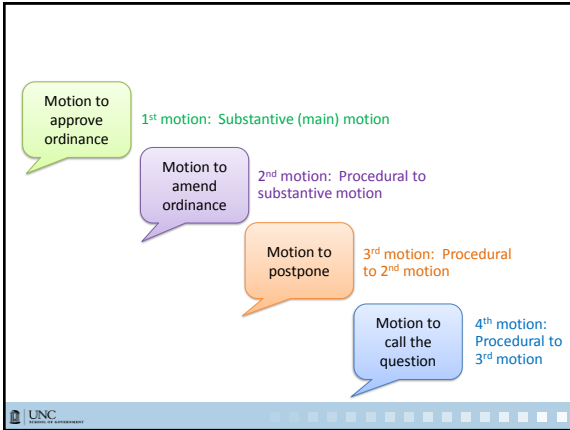


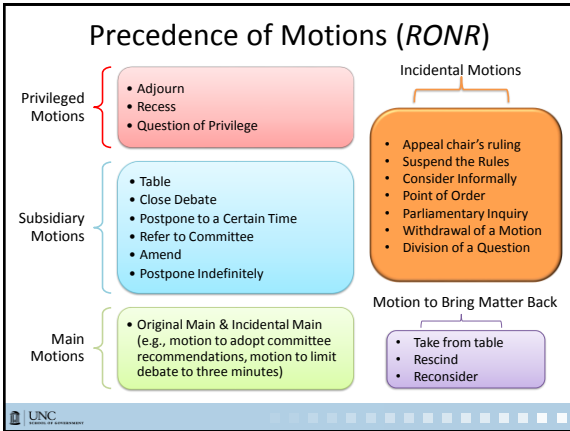
- What if a member steps out of a meeting?

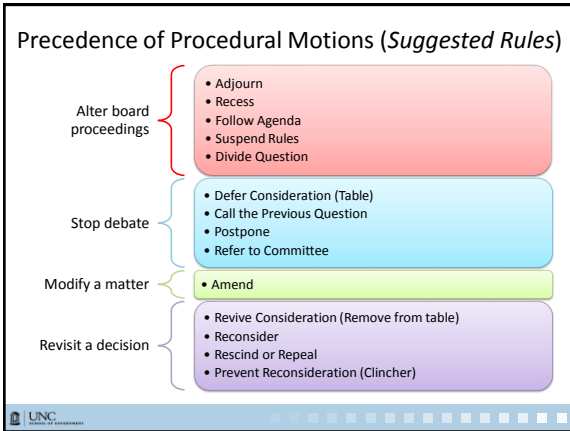
3. Considering Motions

- 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**?









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?



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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?



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



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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?
- **Ordinance passes because it received a majority of votes cast within 100 days of DOI, a quorum being present.**

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



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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!

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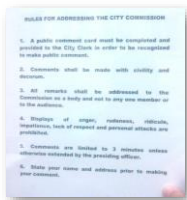
8. Managing Public Input

- 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)



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Public Comment Rules: Tips & Suggestions



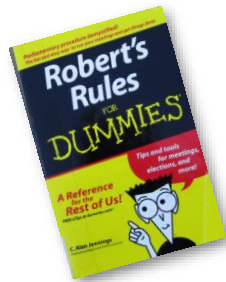
- ✓ Time limit for speakers
(timekeeper?)
- ✓ Representative to speak for large group
- ✓ Remove disruptive individuals
- ✓ Limits signs and displays
- ✓ Sign-up sheet
- ✓ No personal attacks, profanity, etc.
- ✓ Receiving written comments, handouts, etc.

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!**

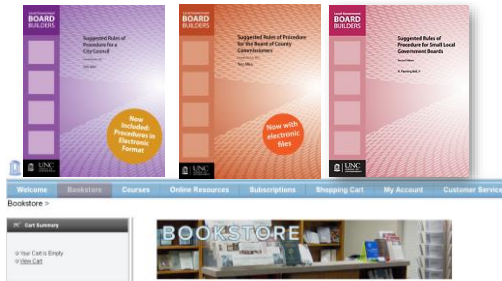


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Resources

SOG Publications: www.sog.unc.edu



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