

PARLIAMENTARY PROCEDURE

Applying Rules of Order
to
*Keep Your Meeting Efficient
And
Move Your Agendas Ahead*

November 8, 2019

*MASC/MASS State Conference
Council of School Committee Administrative Personnel*

MOST COMMON QUESTIONS

- ❑ What is a quorum and a majority?
 - ❑ When to have a roll call?
 - ❑ What happens with a tie vote?
 - ❑ How do abstentions affect the vote?
 - ❑ Reconsideration vs. Rescission?
 - ❑ Table vs. Postponement
 - ❑ How many amendments can we have?
 - “Friendly Amendments”
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Good Rules of Order

- Have Them.
- Understand them.
- Use Them.
- Follow Them.

Have efficient meetings with them
and not in spite of them!

Knowing and Using Your Rules of Order – Why?

- Meetings will be run more efficiently.
 - People are more likely to leave happier.
 - Fewer people will be offended.
 - Chair will appear more fair.
 - Public perception of order and responsibility.
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What is Parliamentary Procedure

- **Rules and Customs that Govern Deliberative Assemblies**

**PARLIAMENTARY PROCEDURE IS
NOT A BOOK CALLED ROBERT'S
RULES OF ORDER.**

Others include Sturgis, Demeter,
Cushing's, etc.

WHICH RULES DO YOU USE?

- ❑ The law allows you to select any rules of order you choose, including your own.
 - ❑ The law allows you to select formal published rules and to make any exceptions you wish.
 - ❑ You may not use rules of order to circumvent or disobey formal state law including:
 - Executive Sessions - Participation by Chair
 - Roll Calls - Length of Debate
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Parliamentary Procedure

- ❑ Originally prepared for large assemblies
 - Congresses, legislatures, large bodies.
 - Some rules are antiquated and outdated.
- ❑ Some formal rule books are voluminous.
 - Robert's 11th Edition* is more than 700 pages.
 - Lists more than 80 motions.
 - Covers issues School Committees would never use.

* Robert's Rules of Order is no longer a copyrighted title.

Purpose of Parliamentary Procedure

- Assure the rights of:
 - The majority of your School Committee
 - Minority factions on your board
 - Individual members
 - Members who are not present
 - The Public (for public bodies)
 - Avoid Ambiguity
 - Keep You Out of Court
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Why knowing the rules are important....

- ❑ Board members appear more knowledgeable and credible.
 - ❑ Action is clearer
 - ❑ And then there's that meeting where you're expected to pull a rabbit out of a hat and parliamentary procedures is the magic that does it for you.....
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Robert's Rules "With Exceptions"

- Rules should always fit the groups they are intended to serve.
 - Most smaller boards are recommended to use Robert's Rules with Exceptions:
 - Boards may want to have individualized exceptions to the formal Robert's Rules.
 - Here's why.....
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Some Boards Demand Flexibility

1. Requiring seconds
 2. Having or not having time limits on debate
 3. Allow more flexibility on speeches
 4. Having the Chair participate/vote.
 5. Allowing anyone to move reconsideration
 6. Reordering precedence of motions
 7. Rules on moving the question
 8. Motions for Tabling and Purposes for Tabling
 9. Motions on Adjournment
 10. Requirement for Suspension of Rules
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Key Rules for School Committees

- State Law Specifies:
 - Do not speak unless recognized.
 - Robert's Rules Specifies:
 - Do not speak again until others have spoken unless you use modified rules.
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Where to Promulgate Your “Robert’s Rules with Exceptions”

- Your “Rules of the School Committee”
- Your Formal By-Laws
- Your Policy Manual

Several districts have distinct rules of procedure and rely on Robert’s “for other matters not covered by these district rules of order.”

The CHAIR

- ❑ The chair is elected by the board, unless provided by law (i.e., Mayors).
- ❑ Election of the permanent chair is not rescindable.
- ❑ Vice Chair may also have a special legal status.

The chair is the **servant** of the assembly,
not the master.

The agenda is the **property of the assembly**,
not the staff.

Role of the Chair

- Conduct the meeting efficiently.
- Conduct an impartial session.
- Assure the rights of the majority and minority.
- Look out for the interests of the public.

NOTE: Make sure you have a clear rule for election and succession, including tie breaker.

The Chair and Motions

- ❑ The Chair should state the motion and explain actions before the committee.
- ❑ The Chair should explain what votes are taken and the actions taken.

NOTE: Once a motion is made and seconded, it becomes the property of the assembly and can be withdrawn only with permission of the whole board.

Parliamentary Trivia:

“It ain’t over, til it’s over..”

- ❑ The Chair must declare the meeting adjourned.
 - ❑ A successful vote to adjourn does not adjourn the meeting.
 - ❑ ANNOUNCEMENT OF THE CHAIR THAT **“THE MEETING IS ADJOURNED”** DETERMINES THE END OF THE MEETING.
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The Call to Order and the Quorum

- Meeting should not be called to order absent a quorum:
 - Quorum is usually a majority of the full membership.
 - Many districts have a special, customized quorum.
 - When quorum is not present after meeting begins:
 - The meeting is not automatically adjourned.
 - Chair must seek missing members before declaring adjournment.
 - No quorum means no further business except adjournment.
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Parliamentary Trivia

- What to do if Chair is not Present
 - Vice Chair can convene meeting.
 - What if neither chair or vice chair is present?
 - Any member may convene meeting if majority is present and majority approves.
 - Subject to your local charter and by-laws.
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General Rules of Order: Agenda

- ❑ The School Committee owns the Agenda – it is yours to set.
 - ❑ Once the Agenda is set (published), it becomes the property of the body and should only be changed by agreement of the board.
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Public Comment Periods - 1

- ❑ Some districts provide time for public to comment.
 - ❑ Recommended Guidelines:
 1. Segment identified in advance.
 2. All speakers subject to recognition by chair.
 - ❑ *Chair has discretion to rule speakers out of order.*
 3. Time Limit for segment; time limits for speakers.
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Public Comment Periods - 2

4. Speakers must be recognized.
 5. No one speaks twice unless all others have spoken.
 6. Speakers address the chair.
 7. School Committee refrains from interactive discussions (except when agreed in advance).
 8. Speakers don't get to question the School Committee (except when agreed in advance).
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Minutes of Meetings

When in doubt, consult with your legal counsel.

Minutes are a record of what was done, not what was said. A short record of what is done is best, but the state's open meeting law requires a description of the discussion sufficient to give the public an understanding of what occurred.

- Date, Time, Place of Meeting
 - Board Members Present
 - Significant other official participants present
 - General Topics Addressed (cf: Agenda)
 - Motions made and names of makers
 - Record of Votes Taken – role call or not.
 - Times of recess and/or adjournment.
 - Executive Sessions maybe recorded on tape under certain circumstances.
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Minutes - 2

- Under Massachusetts Law, the minutes (except executive sessions) are public as soon as the meeting is adjourned.
 - Includes drafts and unapproved minutes which should be labeled as such.
 - The School Committee approves minutes by majority vote.
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REPORTS

- You don't need to vote on all reports (e.g., Report for Information)
 - No vote is needed on informational reports.
 - Other Reports should lead to a motion:
 - Report of the Policy Committee or Budget Committee
 - Report with Recommendations.
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It's "Unfinished Business" Not "Old Business"

- ❑ Do not use the term "Old" Business
 - ❑ Covers what was not completed at the last meeting.
 - Technically, this may include items not completed from the last agenda – even holdover items.
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New Business

- New Items Introduced for the First Time
 - Some rules may require several phases before getting to a vote:
 - Some School Committees provide for several “readings” before a formal vote.
 - The law allows boards to set whatever procedure works for them.
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The Consent Agenda

- A new trend among many public boards
 - Non Controversial items (“Is there an objection to approving the consent agenda?”
If there is, take the items out and act separately.
 - Some items may require separate steps, or roll call votes by state or city/town/regional law or by-law.
 - Often the Superintendent will bring forward the Consent Agenda
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Helpful Tip: Unanimous Consent

- The chair should ask:
 - “Is there any objection to (the proposed unanimous action)?”
 - Without objection, the matter is declared to be approved.

This can save a lot of time by avoiding the inviting of unnecessary comments.

MOTIONS

□ There are four categories of motions:

- MAIN Motions (e.g., the original motion)
- SUBSIDIARY Motions (e.g., amendment)
- PRIVILEGED Motions (e.g., recess, adjourn)
- INCIDENTAL Motions (e.g., point of order)

*Robert's rules recognizes more than 80 kinds of motions, all of which fall into one of these four categories.

Bringing Forth a Motion

- ❑ It is important to have motion making done correctly:
 1. Member makes a motion after being recognized.
 2. Someone seconds (chair may ask for a second)
 3. Chair states the question. This can be helpful to the clerk and can save time in preparing minutes.
 - ❑ At this moment, the motion becomes official. Before this, the maker of the motion can withdraw it without permission of the seconder.
 - ❑ At this moment, the motion no longer belongs to the maker and cannot be withdrawn without permission.
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Key Questions Related to Motions

1. Can the motion interrupt a member who is speaking?
 2. Does the motion require a second?
 3. Is the motion debatable?
 4. Can the motion be amended?
 5. What does the motion actually do or require?
 6. What is the precedence of the motion relative to others before the committee?
 7. To what other motions may the motion apply?
 8. What other motions can be applied to this motion?
 9. Can the motion be renewed, remade or refiled
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1. Interrupting another Speaker

- Matters whose urgency allows interruption:
 - Reconsideration if time is running out.
 - Appeal a ruling of the chair.
 - Calling for a Roll Call or Division of the Assembly.

 - Matters involving immediate rights of member:
 - Point of Order
 - Parliamentary Inquiry
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2. Requiring a Second

- Some motions are actually, technically “requests” and may not require a second – but just an explanation.
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3. Debatable Motions

- Main Motions are generally debatable because of substantive questions at hand.
 - Some motions restrict debate only to the pure reasons for action:
 - Recess
 - Postpone to a Time Certain
 - Refer to Committee
 - Limit Debate
 - Reconsider
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3a. Some Motions are Not-Debatable

- Deal with procedural elements that do not need discussion:
 - Table
 - Adjourn
 - Amendment to an undebatable motion;
 - Consideration by paragraph or “seriatim”;
 - Division of a question;
 - Fix the time to which to adjourn (when privileged);
 - Limit or extend limits of debate;
 - Motions relating to methods of voting and the polls;
 - Motions relating to nominations;
 - Recess (when privileged).
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4. Amendable?

- Some motions cannot be amended.

(Explanations coming later)

5. What Vote Does the Motion Require to be Approved?

- Majority Vote
 - Customized Majority Vote
 - Supermajority vote (i.e., 2/3)
 - For example, suspending the rules
 - Customized Supermajority
 - Frequently found in regional school committees
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A Note on a “Majority” or “Supermajority”

- Be sure your operating rules clarify what is a majority or supermajority with specificity:
 - Majority of the whole body when fully constituted, or
 - Majority of those members present at the time?
 - Robert’s says no one can be forced to vote.
 - Consider carefully what constitutes the entire board for counting purposes.
 - Some local rules allow for a yea, nay, or “present.”
 - “Present” may be a counted vote and may make a majority harder to reach.
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What is the precedence of a motion?

- If several motions are in play, in which order to you consider them?
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May the motion be renewed

- Includes:

- To Reconsider
 - To Repeal via Motion to Rescind
 - To Be Introduced Again
 - At the same meeting
 - At a subsequent meeting
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The MAIN MOTION(s)

- A main item for deliberation
 - School Committee may consider only one main motion at a time.
 - Requires a Second
 - Is Debatable
 - Can be Amended
 - Requires a Majority Vote
 - Many kinds of motion may apply to it.
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Motion to Reconsider (Main Motion)

- Made by Member on “Prevailing Side*”
 - May interrupt proceedings (because of time limits)
 - Requires a Second
 - Debatable only as to reasons for reconsideration – not the merits of the main motion
 - Requires majority vote
 - If approved, status reverts to that prior to approval (for example, earlier status of program voted upon)

 - Some authorities and some customized school committee by-laws allow any member to move reconsideration.
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Motion to Rescind (Main Motion)

(Motion to Repeal)

- Applies only if action can be undone.
 - May not interrupt a speaker (time is not urgent)
 - Requires Second
 - Not Debatable
 - Not Amendable
 - Requires majority
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SUBSIDIARY MOTIONS

- Amend
 - Refer (to committee)
 - Postpone to a Time Certain
 - Close Debate ("Previous Question")
 - Postpone Temporarily ("Lay on the Table")
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Subsidiary: Amendment

- ❑ Apply to Main Motions and Motions to Amend
- ❑ Must be Germane to the Main Motion*
- ❑ May be Hostile – There is no such item as a “friendly amendment.”
- ❑ There may be an amendment to the amendment, but that’s as far as it goes.

* If chair rules an amendment out of order, the full body can overrule the chair.

Amendments - 2

- ❑ Amendments are debatable, but only if the main motion is debatable.
 - ❑ Amendments take precedence over the main motion.
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SUBSIDIARY: Motion to Refer

- Sends matter to committee
 - Requires a Second
 - Debatable only as to procedure
 - Amendable only to procedure (i.e., which committee)
 - Requires Majority Vote
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Subsidiary: Postpone to Time Certain

- Requires second
 - Restricted to reasons for postponement only
 - Amendments restricted to time of postponement.
 - Requires Majority
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Subsidiary: (“Move the Question”) Close Debate Immediately

- Requires a Second
 - Not Debatable
 - Requires 2/3 vote to approve
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Subsidiary: (“Lay on the Table”) Postpone Temporarily

- Designed to postpone to later in same meeting.
 - Unethical** to use this motion to kill other motion.
 - Requires a Second
 - Not Debatable
 - Unamendable
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PRIVILEGED MOTION

- Addresses decisions that must be made immediately:
 - Questions of Privilege (for the assembly, for the individual)
 - Motion to Recess
 - Motion to Adjourn
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Privilege: Recess

- Requires a second
 - Debatable only for time, duration, and need
 - Amendable only for time, duration, and need
 - Requires majority vote
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Privilege: Adjourn

- Adjournment is a Main Motion of no other items are pending.
 - Ends the Meeting
 - Meeting is not adjourned until the Chair declares the meeting adjourned.
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Motion to Adjourn

- May not interrupt someone who is speaking.
 - Some customized rules prohibit adjournment while a matter is before the School Committee.
 - Requires a second
 - Not Debatable when Privileged
 - Requires majority
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INCIDENTAL Motions

- Motion to Appeal
 - Motion to Suspend the Rules
 - The Gordian Knot Motion (Start Over)
 - Point of Order
 - Parliamentary Inquiry
 - Request to Withdraw a Motion
 - Division of a Question (into parts)
 - Division of the Assembly (i.e., roll call, hands)
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Incidental: Motion to Appeal

“Shall the Chair be Sustained?”

- ❑ Appeals decision of the chair
 - ❑ May interrupt a speaker (urgency)
 - ❑ Debatable
 - Everyone gets to speak ONCE.
 - ❑ Requires majority in negative to overrule
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Incidental: Suspend the Rules

- ❑ Cannot suspend statute or municipal charter
 - ❑ Cannot suspend voting methods or quorum
 - ❑ You are usually limited to what you can “suspend.”
 - “Bylaws, except clauses in the nature of rules of order, cannot be suspended, unless they expressly provide for their suspension.” (American Association of Parliamentarians)
 - ❑ MOTION TO SUSPEND RULES:
 - Requires a second
 - Not debatable
 - Unamendable
 - Requires 2/3 vote (which your by-laws should define)
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The Gordian Knot Situation

- ❑ When things get incomprehensibly complicated
 - ❑ Too many amendments
 - ❑ Confusion permeates the assembly
 - ❑ Gordian Knot: Call for suspension of the rules to cancel all action to date and start over.
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ONCE A MOTION IS BEFORE YOU

- ❑ Step 1 Debate (if debatable)
 - ❑ Some people can be recognized before others, including the maker of the motion, who has the option to speak first.
 - ❑ Then, members who haven't spoken may be recognized.
 - ❑ Chair should (not must) alternate pro and con. This saves time.
 - ❑ If there are no cons, the chair may can go straight to unanimous consent. ("If there is no objection")
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- A speaker having spoken once, may not speak again until all others who want to speak have spoken on the same day.
 - Speakers are limited to two opportunities on each matter on same day.
 - Moving an amendment does not count as "speaking."
 - Roberts gives you ten minutes for any one time.
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Considering the Motion - 2

- The Chair Puts the Motion to a Vote
 - Chair should state or explain the vote.
 - Chair should state the motion.
 - This is important for audio and video recorded meetings.
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Considering the Motion - 3

- The Chair announces the result.
 - This may be particularly important for audio or video recorded meetings.
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Roll Calls – When to Have Them

- If there is no written rule, the chair may decide subject to approval of the board.
 - State Law may require certain roll call votes.
 - Municipal and Regional Rules may require.
 - Your School Committee by-laws may specify.
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Abstaining from the Vote

- An abstention can lower the number of votes required for “majority.
 - EXAMPLE:
 - Seven member board votes 3 Yeas, 2 Nays, and two abstentions. The motion passes.
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Knotty Problems

1. Split Board Unable to Elect a Chair
 2. Absentee Voting
 3. Explaining Your Vote During Voting
 4. Who prevails in a split vote (i.e., 3-3) to determine who can move reconsideration?
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Resources

- Keep a Motions Guide Handy
 - Know your precedence of motions (and exceptions)
 - National Association of Parliamentarians
 - www.parliamentarians.org
 - Jim Slaughter (Parliamentarian to NSBA)
 - www.jimslaughter.com
 - Includes lots of Q/A and tips
 - Includes referrals to other sources.
 - Responds to hundreds of questions.
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