

CHAPTER 5
PARLIAMENTARY PROCEDURE
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CHAPTER 5 PARLIAMENTARY PROCEDURE

1. PURPOSE:

The Purpose of Parliamentary Rules is to Facilitate Action:

1. Majority rules (Democratic rule). Final authority is vested in the majority of members.
2. Minority must be heard. Their rights should be recognized and respected.
3. Right to enter into discussion on every proposal.
4. Right to speak in opposition to any measure.
5. Every proposition is entitled to full and free discussion.
6. Every member has the right to express his opinion freely as long as he abides by the rules of debate and is proper in his conduct.

What is Parliamentary Law? - Parliamentary law "is a system of rules that are designed to protect the rights of those people attending and running a meeting" (PLI 1995:6). Procedurally, the "object of rules of order is to facilitate the smooth functioning of the assembly and to provide a firm basis for resolving questions of procedure that may arise" (Robert 1981:12-13). The procedural standards established by rules of order allow an assembly to focus on the specific issues to which it is charged. The basic provisions of parliamentary law include:

1. Ensure the right of the majority
2. Protect the rights of the minority
3. Defend the rights of individual members
4. Safeguard those people absent from the meeting
5. Guard all these together (Robert 1990:xliv).

A deliberative assembly is "free to do whatever it must to ensure these protections to all members" (PLI 1995:6). Accordingly, each assembly may borrow and adopt Robert's Rules as it sees fit. As Lehr Fess suggested, "all law is based on custom. Like the common law, parliamentary law is largely based upon the customary practices regulating procedure in group action as developed throughout the centuries. While the fundamental rules are applicable to all group action, a wide difference in detail must necessarily exist when the rules are applied to different groups" (in Jones 1971:ix). The *parliamentary authority*, the rules of order specific to any given organization (Robert 1981:3), vary from society to society. As General Robert had suggested, it is important that the deliberative assembly, regardless of its purpose, membership and the like, should maintain parliamentary authority consistent with other deliberative assemblies, if not for consistency alone.

2. HISTORY – ORIGINS OF PARLIAMENTARY PROCEDURE:

English Law - In the historical sense, *parliamentary law* referred to the customs and rules related to business in the English Parliament. These rules provided the following guidelines:

- A. Treat one subject at a time
- B. Alternate between opposite points of view in discussion
- D. Always have the chair tally votes for both sides of the issue

- E. Maintain decorum in discussion and avoiding personalities in debate
- F. Confine debate to the merits of the question under discussion (PLI 1995:4).
- G. Division of a question—members may be for one part of a question and not for another (Robert 1981:xxx).

These rules applied to a *deliberative assembly*, "a group of people meeting to decide on a common action" (PLI 1995:5).

Early Developments in Parliamentary Law: Jefferson and Cushing - In 1801 Thomas Jefferson published the first book on parliamentary law, *Manual of Parliamentary Practice*. Jefferson, in response to the publication of his guide, wrote, "The proceedings of Parliament in ancient times, and for a long while, were crude, multiform, and embarrassing" (ibid.).

In 1844 Luther Cushing, clerk of the Massachusetts House of Representatives, published the *Manual of Parliamentary Practice: Rules of Proceeding and Debate in Deliberative Assemblies*. The manual soon was known as "Cushing's Manual." It was the first sourcebook on parliamentary law that spoke to the procedural needs of the many growing voluntary societies in the United States (Robert 1981:xxxv).

General Henry Martyn Robert - Eventually parliamentary law was being used at all levels of government, yet the rules for deliberative assemblies had not yet been modified for use by smaller organizations. Henry Martyn Robert, an army engineer, took about the task of making such a modification. Though originally conceiving of a work of less than twenty pages, General Robert's "manual" eventually encompassed over two hundred pages and was published as *Robert's Rules of Order* in 1876. By 1915 more than one half a million copies of the guide were in print and soon Robert's manual would become a standard for deliberative assemblies everywhere. Today, there are over 4.5 million copies of *Robert's Rules of Order* in print.

3. **DEFINITIONS:**

A. **Parliamentary Procedure:**

Parliamentary Procedure is a set of basic rules for conduct at meetings. The rules have been incorporated into Robert's Rules of Order. They can be adapted to fit the needs of any organization.

B. **Agenda:**

A document that is the order of business and prepared to ensure that important information is discussed in a logical order. The agenda can be adapted to fit the needs of the organization. A typical agenda might include: A Call to Order, Roll Call, Minutes, Reports, Unfinished Business, New Business, Announcements, Adjournment.

C. **Quorum:**

The number of members of the governing body necessary to constitute a quorum is:

1. municipality operating under a five-member or six-member city council form of government or a five-member council-manager form of government, three or more; or
2. in a seven-member council-manager form of government, four or more.

The number of members of the legislative body of a municipality operating under a council-mayor form of government necessary to constitute a quorum is:

1. for a five-member council-mayor form, three; and
 2. for a seven-member council-mayor form, four.
- UCA 10-3-504 Amended 2004 General Session*

D. Motion:

A proposal by a group member that the group take action on an issue. Seconding the motion shows that the issue is of interest to others in the group. The issue then becomes the property of the group and cannot be amended without group consent. The issue is open for debate. When there is no further debate, the chair can ask for a vote.

E. Amendment:

A subsidiary motion to amend is a motion to modify the wording, and within certain limits the meaning, of a pending motion before the pending motion itself is acted upon.

F. Vote:

A consensus that is reached by several methods:

1. General consent: The Chair says: "If there is no objection" Members show agreement by remaining silent. If someone says "I object" a different vote is taken.
2. Voice: Those in favor say "aye" and those opposed say "no".
3. Show of Hands: To show a majority without an exact count.
4. Roll call: When a record of each person's vote is desired. In municipalities this includes ordinances, resolutions, or other actions that create a liability against the municipality.
5. Ballot: When secrecy is desired.

4. RIGHTS AND RESPONSIBILITIES OF MEMBERS AND OFFICERS:

A. Rights:

Receive notices of meetings. Attend meetings. Make motions. Second motions (when applicable). Debate motions (when applicable). Vote on motions (except on those on which the person has a conflict of interest). Nominate persons for officers and be nominated for office. Elect people to office and be elected to office. Know the meaning of the question being debated. Object when rules are being violated. Appeal the decision of the chair. Not have to suffer personal abuse and attack. Have access to all minutes of meetings and codes. (PLI 1995:9)

B. Responsibilities:

Attend meetings. Be on time. Stay until end of meetings. Be ready to talk knowledgeably and intelligently on a topic. Be attentive and open-minded. Treat everyone with courtesy. Speak openly, but allow everyone to have their turn to speak. Follow the rules of debate. Make a point concisely. Attack issues, not people. Insist on law and order at meetings. Work to create dignity and decorum. Actively participate in meetings. Work with others in a cooperative fashion. Be familiar with the basics of parliamentary law. Obey the rules of the organization. Respect the rights of others in the organization. Abide by the final decision of the majority. Be familiar with the bylaws. Select qualified officers. Participate in committees. Respect the chair's rulings. Promote the organizations reputation (OLI 1995:10).

5. **RULES OF ORDER BASIC GUIDELINES:**

A. The presiding officer (Mayor, Mayor Pro-Tem or Chair) has discretionary powers in recognizing members.

1. Procedures:

- a. A member rising to refer a matter to committee is given prior recognition.
- b. The reporting member of a committee is entitled to speak first and present motions on the reports disposition and for action on the committee's recommendation;
- c. The chair calls on the maker of a motion to speak first. Although the maker of a motion may vote against his motion, he may not speak against it.
- d. A member opposed to the proposition should be given the opportunity to follow the member who is in favor thereof.
- e. Debate should alternate between those in favor of the proposition and those opposed to it. If the debate is one-sided, the chair may ask if anyone wishes to speak on the opposing side.
- f. A member who has not engaged in debate should be recognized ahead of a member who has already spoken to the question.
- g. The presiding officer has the right to refuse to recognize a member whose sole purpose it to obstruct the transaction of business.

B. Basic Principles of Debate:

1. General List of Actions Before Debate on a Question:

- a. A motion must be made.
- b. A resolution may be made: a resolution must be presented in writing.
- c. The motion must be seconded.
- d. The chair must state the motion.
- e. The motion is then said to be pending (open to debate). The assembly may decide to either limit or extend debate, such as the length allotted to speeches or that the question shall be put to a vote at a specific time. If a member wishes to have more information on a matter being debated, she submits a request or point of information.
- f. After a motion has been made it may be modified or withdrawn.
- g. During the vote on the motion, it may be adopted or carried, or lost or rejected.
- h. The chair announces the result of the votes.

2. Obtaining the Floor and Speaking on Matters:

- a. Before a matter can be brought before the people in the meeting, the member wishing to introduce the matter must obtain the floor – that is, be recognized by the chair as having the right to be the only person speaking at that time (PLI 1995:14). The chair must recognize any member entitled to request the floor, nevertheless, the chair has the right to ask the member the purpose of the speech. When a member has finished speaking she *yields* the floor, thus signaling to the chair that another member may be recognized. A member is considered *out of order* when she interrupts another member.
- b. If the chair claims the floor, any member must automatically yield the floor to the chair.

- c. Order of speaking: any member who has had the floor once during a debate may not have it again while the same issue is being debated, if there is any member who has not had a chance to speak yet. Once everyone who desires a turn has had a chance to speak, then members may seek the floor a second time. This rule helps ensure equal representation (PLI 1995:17).
3. Interruption of Member Assigned the Floor (Robert 1990:378-80):
 When a member has been assigned the floor and has begun to speak – unless he begins to discuss a subject when no motion is pending or speaks longer in debate than the rules allow – he cannot be interrupted by another member or by the chair except for one of the following purposes, and only when the urgency of the situation justifies it:
- a. A raising of a question of privilege.
 - b. A point of order.
 - c. A call for a separate vote on one or more of a set of independent actions on different subjects that have been offered by a single motion.
 - d. A request or inquiry that requires an immediate response.
 - e. An Appeal (in special circumstances).
 - f. An Objection to the Consideration of a Question (in special circumstances).
4. Notes on Decorum in Debate:
- Robert's Rules of Order* (Ninth Edition) suggests the following guidelines in helping to maintain civility and fairness during discussion. These guidelines are particularly pertinent when controversial issues arise in discussion.
- a. Confining Remarks to the Merits of the Pending Question: "In debate a member's remarks must be germane to the question before the assembly" (pp. 387-8).
 - b. Refraining from Attacking a Member's Motives: "When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but he must avoid personalities, and under no circumstances can he attack or question the motives of another member. The measure, not the member, is the subject of debate" (p. 387).
 - c. Addressing All Remarks through the Chair: "Members of an assembly cannot address one another directly, but must address all remarks through the chair. If, while a member is speaking in debate, another member wishes to address a question to him...the member desiring to ask the question should rise and address the chair, proceeding as...[a] Point of Information" (ibid.).
 - d. Avoiding the Use of Members' Names: "As much as possible, the use of names of members should be avoided in debate. It is better to describe a member in some other way, as by saying, 'the member who spoke last'...a member's debate is expected and intended to be partial, and the first person is quite acceptable" (pp. 387-8)
 - e. Refraining from Speaking Adversely on a Prior Action not Pending: "In debate, a member cannot reflect adversely on any prior act of the society that is not then pending, unless a motion to reconsider, rescind, or amend it is pending, or unless he intends to conclude his remarks by making or giving notice of one of these motions" (p. 388).

- f. Refraining from Speaking Against One's Own Motion: "In debate, the maker of a motion, while he can vote against it, is not allowed to speak against his own motion. He need not speak at all, but if he does he is obliged to take a favorable position" (ibid.). If a speaker wishes to do so, the person may make a Request to Withdraw the motion.
- g. Reading from Reports, Quotations, Etc., Only without Objection or with Permission: "If any member objects, a member has no right to read from—or to have the secretary read from—any paper or book as part of his speech, without permission of the assembly. Members are usually permitted to read short, pertinent, printed extracts in debate, however, so long as they do not abuse the privilege" (ibid.).
- h. Being Seated During an Interruption by the Chair: "If at any time the presiding officer rises to making a ruling, give information, or otherwise speak within his privilege, any member who is speaking should be seated" (pp. 388-9).
- i. Refraining from Disturbing the Assembly: "During debate, during remarks by the presiding officer to the assembly, and during voting, no member should be permitted to disturb the assembly by whispering, waling across the floor, or in any other way" (Robert 1990:389).

5. Attack Issues Not People:

The greatest bit of advice for any chair of a parliamentary society is to avoid personalizing issues. The phrase "attack issues, not people" effectively summarizes the goals of effectively debating matters brought before the academic senate. Any personal remark must be ruled out of order by the chair: "Bob is a whiny anarchist and for that reason I cannot support his motion."

6. Rules of the Right to Speak:

- a. Member's remarks must pertain to the immediate pending question to be debated. If he disagrees, the presiding officer may interrupt him to insist that he confine his remarks to the immediate question.
- b. Remarks must be free of personal reference. The motion being considered is the subject of debate, not the member who proposed it.
- c. Remarks must avoid personal incentive. Offensive language is sufficient cause for the presiding officer to suspend the member's right to speak.
- d. The right to speak is subject to any time limitation imposed on debate.

7. Debate is Not Permitted When:

- a. There is a motion to adjourn, table the proposition, or move to the next proposition.
- b. There is a motion to fix the time for adjourning.
- c. There is an appeal from the chair on the priority of business or on the irrelevance of debate.
- d. There is an appeal in the case of a member called to order for transgressing the rules.

8. Facilitating Debate:

- a. When apparent debate is over, i.e., no one is asking for recognition, the chair may bring the matter to an immediate vote by saying "Hearing no further debate, all in favor".
- b. The chair should clarify options before the group.

- c. The chair can refer a complex matter to a committee, which enables the question to be given more study and investigate more thoroughly; puts options into better shape for the assembly to consider; and if the motion to refer to a committee is adopted, the entire question, including any amendments (but not the motion to postpone indefinitely) is given to the committee.
 - d. Motions require a vote, as does the motion to close debate.
 - e. A motion to close debate refers only to the immediate pending proposition. If you wish to close debate on all motions on the floor, the proper motion is, "I move the previous question on all pending questions."
9. Call from the Floor of "Question! Question!"
 This is not a call or demand to put the matter to an immediate vote and cannot be used in place of the motion on the previous question. The chair does not say "The question has been called, so we must bring the question to an immediate vote. All in favor . . ." This is a violation of parliamentary rules. When the call of "Question! Question!" is used, there is nothing privileged about the request. Just one person may not stop an assembly from full, free, fair debate on an issue. If a member wishes to close debate on all motions on the floor, the proper motion is, "I move the previous question on all pending questions."

C. Expediting Business:

- 1. The Chair Can Expedite Business By:
 - a. Having on hand all documents necessary to the business of the meeting.
 - b. Having a complete agenda ready.
 - c. Using a consent agenda.
 - d. Requiring that business items are not to be discussed without a motion.
 - e. Taking the vote by general consent.
 - f. Bringing a question to an immediate vote when apparent debate is over.
 - g. Enforcing the rules of debate.
 - h. Asking that lengthy motions be put in writing.
- 2. Members Can Expedite Business By:
 - a. Addressing remarks to the chair, not to other members.
 - b. Making all motions in the affirmative, not in the negative.
 - c. Seconding motions promptly.
 - d. Withdrawing motions that the member wishes had not been made.
 - e. Keeping remarks germane to the pending question.
 - f. Informing the chair before the meeting when introducing new business (In municipal government all items requiring action must be on the agenda).
- 3. Tips to Expedite Business:
 - a. Using general consent when possible.
 - b. Using acclamation to determine uncontested elections.
 - c. Assisting members in phrasing motions.
 - d. Keeping discussion on track, such as in restating the motion.
 - e. Using general consent to allow for the withdrawal of motions.

- f. Using a consent agenda for uncontroversial business.

D. Understanding Motions:

One of the real keys to running and taking part in a successful deliberative meeting is understanding the variety of motions, their rankings, uses and the like. People are often leery of parliamentary procedure because they wrongly believe it to be stifling and confusing. Below is a list of the eight keys to understanding motions, followed by the major types of motions. The chair may wish to develop his or her own individualized guide to the motions commonly used by the legislative body.

1. Main Motion:

The main motion, the most common of motions in parliamentary workings, introduces a new item of business. Ironically, these are the lowest ranking of motions. You will often hear the term *resolution* used interchangeably with *motion*. A resolution is typically a more formal motion which is presented in writing. Commonly a resolution may be the result of committee work and the research of the committee is presented in the formal style of a resolution.

- a. There are eight steps necessary to obtain action upon a main motion:
 - i. Obtaining the floor
 - ii. Recognition by the chair
 - iii. Making the motion by saying "I move that" It is incorrect to say "I make a motion" or "I move that you...."
 - iv. Seconding the motion: another member seconds the motion;
 - v. The chair states the motion: "It has been moved and seconded that..."
 - vi. The chair states that the proposition or question is opened for discussion or debate by asking "Is there any discussion?" or "Are there any remarks?"
 - vii. Putting the question: chair takes the vote.
 - viii. The chair states the results of the vote.
- b. When a motion contains several parts which may be individually debated, a motion may be *divided* (known as "division of the question" or to "divide the question.") Or a report or long motion can be broken up and considered by opening the different parts to debate and amendment separately, without division of the question.
- c. The motion must be made at the appropriate time in the order of business.

2. Subsidiary Motions (ranked):

A subsidiary motion is one applied to other motions to help members dispose of main motions. Cannot stand alone.

- a. Lay on the Table. When members wish to set aside a motion without specifying a time to resume debate on the issue, the majority of the assembly has the power to immediately halt debate on the question. Commonly the motion to lay on the table is used when another matter of pressing importance has arisen. It is often ruled out of order if its intent is to "kill" debate. It is often confused with "postpone indefinitely" and "postpone to a certain time" and is also mistakenly known as a motion "to table" (Robert 1981:177). A question that has been laid on the table may be removed from the table with a motion to *take from the table* in the same or subsequent session through a majority vote. If the question is not

taken from the table by the next meeting of the assembly, it dies but may be reintroduced later as a new question (Robert 1981:253)

- b. Previous Question. (a.k.a. "motion to close debate"). When members wish to bring a motion to an immediate vote they may "move the previous question" to limit discussion.
- c. Limit or Extend Limits of Debate. The assembly may decide to either limit or extend debate, such as the length allotted to speeches or that the question shall be put to a vote at a specific time.
- d. Postpone to a Certain Time. (a.k.a. "postpone to a certain time"). Allows the assembly to postpone consideration of a question to a future time or date. Should not be confused with "postpone indefinitely" which actually kills the motion.
- e. Commit or Refer. Allows the motion to be sent to a committee for further study or redrafting.
- f. Amend. Allows a motion to become more specific when it is unclear or broad. This is the most common of subsidiary motions used in an assembly. An amendment must be *germane*, that is, it must have bearing on the subject of the motion being amended (Robert 1981:109). For more information see the following section on amendments.
- g. Postpone Indefinitely. Unlike other sub. motions, debate can actually discuss merits of main motion. This is a motion used if the assembly declines to take a position on the main question. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question (Robert 1990:123). In other circumstances, if a member has brought a main motion that could cause people to become embarrassed or uncomfortable, a motion may be made to remove it from the assembly. Strategy: the only real purpose of this motion is to get a sense of how the assembly will vote on the main question without having to actually come to a vote (Jones 1990).

3. Incidental Motions (unranked):

An incidental motion always comes from another motion on the floor. These motions take precedence over all other motions except privileged ones. They must be made at the correct point in the debate. The key here, to review our eight tips to understanding motions, is "timing."

- a. Point of Order. When a member thinks the rules of an assembly have been violated, she may make a point of order, thereby calling for the chair's ruling to restore order.
- b. Appeal. Used to appeal the chair's ruling on an issue. *a majority or tie sustains the chair's ruling (the chair can vote).
- c. Objection to the Consideration of a Question. After a motion has been made, but before debate on the motion occurs, a member may motion to object to the consideration of a question. Such a motion is made if a member feels that a main motion made will harm the organization. The purpose of the motion is not to cut off debate but to prevent discussion of a pointless or potentially inflammatory topic.

- d. Requests and Inquiries: The purpose of this class of incidental motions is to obtain more information, and have the assembly do something which requires its permission (Robert 1990:283). They include:
 - i. Reading Papers. A request that papers be read before the assembly, usually for the purpose of gaining more information. If there were no general rule against reading, a member could theoretically read from books and reports to no end.
 - ii. Withdrawing or Modifying a Motion. Used only when a motion is pending. Remember, after the chair restates a motion or resolution, it becomes the property of the assembly. If there is an objection to consent, the chair may request a subsidiary motion of amend.
 - iii. Parliamentary Inquiry. A member may request of the chair her ruling on the matter of parliamentary procedure. This is answered by the chair.
 - iv. Point of Information. A request for information about the matter being debated. Also answered by the chair.
 - v. Request to Be Excused from a Duty. This may only be granted by the membership.
 - vi. Request for Any Other Privilege. May only be granted by the membership. An example being a member who wishes to make a presentation when there is no pending motion.
- e. Suspending the Rules. A motion that is used when the assembly wants to discuss an issue in a way that violates standing rules or rules of order; may not interfere with the organizational bylaws and may not be made when a question is pending.
- f. Division of a Question. When a motion contains several parts which may be individually debated, a motion may be *divided* (known as "division of the question" or to "divide the question.")
- g. Motion on Voting. A member may request the method of voting on a question, such as a ballot vote. There are even allowances for a member to request a "special" voting method, such as the use of white and black balls.
- h. Motions Relating to Nominations. This motion applies to periods of nomination in an assembly and how the assembly will specifically make its nominations for officers (cf. Robert 1990:280-3).
- i. Consideration by Paragraph or Seriatim. A report or long motion can be broken up and considered by opening the different parts to debate and amendment separately, without division of the question (Robert 1990:272).

4. Privileged Motions (ranked):

Privileged motions do not deal with any business on the floor, rather they have to do with special matters of pressing importance. They take precedence over all other motions, hence their name. They can interrupt any business without discussion or debate. They include:

- a. Fixing the Time to which to Adjourn.

- b. Adjourning.
- c. Recess. Allows for a short intermission. Acts as a privileged motion only if a main motion is pending. If no motion is pending, this motion is actually a main motion to recess.
- d. Raise a Question of Privilege to Make an Urgent Request about a Person's Rights. Allows a request or main motion to be brought up immediately because of its urgency, while doing so would typically be called out of order (Robert 1990:223). Other possibilities may involve a matter of confidentiality or problems with the air conditioning or heat in a hall. There is no debate and no vote as the chair rules on the matter of privilege or not.

5. Restorative Motions (unranked):

Restorative motions are ones that allow a deliberative assembly to change its mind on a matter. These allow the assembly to bring up a question again. They include:

- a. Rescind. A motion used to quash or nullify a previously adopted resolution, motion, bylaw, section or paragraph that has been adopted at some previous time (Robert 1981:256). There is an explicit right of any member to make the motion, without time limit, unlike the case in take from the table.
- b. Amend Something Previously Adopted.
- c. Rescind and Expunge from the Minutes. Generally considered an ill-advised motion for an assembly because of its obvious political and legal ramifications.
- d. Reconsider. Allows a group to reconsider the vote on a motion. *It may only be made by someone who voted on the winning side of the motion; this is to help prevent abuse. As well, there is a time limit on any motion to reconsider, generally during the same or next session.
- e. Take from the Table. The motion must be made at the appropriate time in the order of business. *Additionally, the motion to take from the table can only be made during the same or next session of the assembly.
- f. Discharge a Committee. Allows the assembly to take a matter out of a committee's hands, before the committee has formulated a report, and allows the assembly itself to deal with the issue (Robert 1990:304). "So long as a question is in the hands of a committee, the assembly cannot consider another motion involving practically the same question" (ibid.).

6. Motions At a Glance.

- a. Privileged Motions (ranked). Take precedence over all other motions.
 - i. Fixing the time to which to Adjourn.
 - ii. Adjourning.
 - iii. Recess.
 - iv. Raise a Question of Privilege to Make an Urgent Request about a Person's Rights.

- b. Incidental Motion (unranked). An incidental motion always comes from another motion on the floor.
 - i. Point of Order.
 - ii. Appeal.
 - iii. Objection to the Consideration of a Question.
 - iv. Suspending the rules.
 - v. Division of a Question.
 - vi. Division of the Assembly.
 - vii. Motion on voting
 - viii. Motions Relating to Nominations.
 - ix. Consideration by Paragraph or Seriatim.
 - x. Requests and Inquiries: Reading Papers, Withdrawing or Modifying a Motion; Parliamentary Inquiry; Point of Information; Request to Be Excused from a Duty; Request for Any Other Privilege.

- c. Subsidiary Motions (ranked). A subsidiary motion is one applied to other motions to help members dispose of main motions. Cannot stand alone.
 - i. Lay on the Table.
 - ii. Previous Question.
 - iii. Limit or Extend Limits of Debate.
 - iv. Postpone to a Certain Time.
 - v. Commit or Refer,
 - vi. Amend.
 - vii. Postpone Indefinitely.

- d. Restorative Motion (unranked). Restorative motions are ones that allow a deliberative assembly to change its mind on a matter. These allow the assembly to bring up a question again.
 - i. Rescind
 - ii. Amend Something Previously Adopted
 - iii. Rescind and Expunge from the Minutes
 - iv. Reconsider
 - v. Take from the Table
 - vi. Discharge a Committee

7. Dilatory Motions:

A motion is considered dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation (Robert 1981:290). Any main or other motion that is absurd in substance is dilatory and cannot be introduced. Examples include a member constantly raising points of order, repeatedly moving to lay motions on the table, or continually moving to adjourn.

8. Improper Motions:

Motions that conflict with the organizational bylaws, with the U.S. Constitution, or with national, state or local law are considered out of order (ibid.). "Likewise motions are out of order that present practically the same question as a motion previously decided at the same session, or that conflict with a motion that has been adopted by the society and has been neither rescinded, nor reconsidered and rejected, after adoption" (Robert 1981:291-2). There is a similar rule related to the inability to renew a motion in the same session (cf. Robert 1990:330-336).

9. Manipulating Motions:

To Help DEFEAT a Motion	To help PASS a Motion
Do not second the motion/ Remain silent	Second the motion
Speak against the motion	Speak for the motion
Vote against the motion	Vote for the motion
Move to postpone indefinitely to kill motion	Vote against indefinite postponement
Amend the motion to complicate it	Defeat adverse amendments
Move to refer motion to committee to prolong	Vote against referring the vote to committee
Move to postpone motion until next meeting	Vote against such postponement
Move the question to close discussion of the motion's good points	Defeat previous question
Move to table a motion	Vote against tabling
Move to recess to secure additional votes	Defeat the motion to recess to and to delay the vote in order to vote now (PLI 1995:43-4).

10. Amendments:

The purpose of an amendment is to improve and perfect a motion, most often a main motion, in an attempt to make it more acceptable to the assembly. Amendment allows a motion to become more specific when it is unclear or broad. This is the most common of subsidiary motions. An amendment must be *germane*, that is, it must have bearing on the subject of the motion being amended. Withdrawing or modifying a motion may be used only when a motion is *pending*. If there is an objection to consent, the chair may request a subsidiary motion of amend. The amendment must be voted upon first and then the motion as amended must be voted upon. Amendments involve:

- a. Adding words to the end of a motion.
- b. Insert words at any place in a motion.
- c. Strike out words.
- d. Strike out words and add others.
- e. Substitute another motion, replacing the pending motion in its entirety with another motion related to the same subject

11. Rethinking, Revisiting, Reconsidering:

- a. You may take a second look at a motion which was passed. Reconsider allows a group to reconsider the *vote* on a motion. It may only be made by someone who voted on the winning side of the motion; this is to help prevent abuse. As well, there is generally a time limit on any motion to reconsider during the same or next session.
- b. You may negate a previously adopted motion. Rescind a motion used to quash or nullify a previously adopted resolution, motion, bylaw, section or paragraph that has been adopted at some previous time. There is an explicit right of any member to make the motion, without time limit, unlike the case in *take from the table*. Or, for the brave...

You may rescind and expunge from the minutes which is generally considered an ill-advised motion for an assembly because of its obvious political and legal ramifications.

- c. You may amend a motion which has already passed or amend something previously adopted.

E. The Agenda and Rules of Conduct:

1. Call for the Orders of the Day (a.k.a. "to enforce the schedule"): if the agenda is not being followed, a member may call for the orders of the day.
2. Point of Order: when a member thinks the rules of the council have been violated, she may make a point of order, thereby calling for the chair's ruling to restore order.
3. Appeal: used to appeal the chair's ruling on an issue. *a majority or tie sustains the chair's ruling (the chair can vote).
4. Raise a Question of Privilege to Make an Urgent Request about a Person's Rights: allows a request or main motion to be brought up immediately because of its urgency, while doing so would typically be called out of order. There is no debate and no vote as the chair rules on the matter of privilege or not.
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6. Request/Parliamentary Inquiry: a member may request of the chair her ruling on the matter of parliamentary procedure. This is answered by the chair.
7. Request: Reading Papers: a request that papers be read before the assembly, usually for the purpose of gaining more information.
8. Request for Any Other Privilege: may only be granted by the membership. An example being a member who wishes to make a presentation when there is no pending motion.
9. Suspending the Rules: a motion that is used when the assembly wants to discuss an issue in a way that violates standing rules or rules of order; may not interfere with the organizational bylaws and may not be made when a question is pending.
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F. Role of the Chair:

The chair, whether it be the Mayor, Mayor Pro-Tem or chairperson, is obviously an important figure in the running of the meetings. A chair should act as a facilitator—being fair, compassionate and acting in as unbiased manner as possible. The key to running a meeting using *Robert's Rules of Order* is to effectively balance the formal needs of the society with its informal needs. A chair who is unyielding will ultimately bring the criticism of the assembly. A chair who is too flexible will discover meetings where no business is accomplished. Each governing body of a municipality may adapt parliamentary law in its own way, and once the balance between the formal rules of order and the needs for informality have been found, it is likely that the governing body will find itself in very good shape.

1. Useful Suggested Phrases for the Chair:

There are some useful phrases which some chairs may find appropriate in facilitating their meetings.

- a. Call to Order: "Being there is a quorum, the meeting will come to order." "Good afternoon, the meeting will come to order" [tap gavel once]
- b. Minutes: "Are there any objections to waiving the reading of the minutes aloud?" "Are there any corrections to the minutes?" "The minutes stand approved as read [corrected]"
- c. Reports of Officers, Department Staff, Boards, and Standing Committees: "Does the Department have a report?" "Are there any questions?" The report will be filed with the minutes of this meeting."
- d. Discussion: "Two members have spoken in favor of the motion, is there a member who wishes to speak against the motion?"
- e. Making a Motion: "I move that..."
- f. Irrelevant Discussion: "The member will confine his/her remarks to the pending question."
- g. Voting: "The question is on approval of the budget. As many as are in favor please signify by raising your hands. As many as are opposed please signify by raising your hands."
- h. Results of a Vote: "The ayes have it. The motion is carried (adopted)." "The nos have it. The motion is defeated (lost)."
- i. Nominations: "We have an order of business being the nomination of Board of Appeals boardmember. All nominations are to be made from the floor. Nominations for this office are now in order."
- j. Adjournment: "If there is no further business and there is no objection, the meeting will be adjourned. [pause] There being no objection, the meeting is adjourned."

2. Tips for the Chair:

Some of the most significant things a chair can do are very simple things. These include:

- a. Starting the meeting on time: starting a meeting late can signify to the body that you do not care.
- b. Being prepared for the meeting: you should come prepared with information specific to the day's agenda. This information may help expedite the discussion and action.
- c. Adapting: much of the role of being an effective chair involves adapting to the needs of the governing body. Members will let you know when you are moving in a direction contrary to their wishes.
- d. Sticking to the agenda: when you do not, the assembly will call for the orders of the day. Remember that the agenda is composed to allow the effective treatment of business before the governing body.

- e. Remaining neutral: the chair should always attempt to stay clear from direct discussion of issues and any indication of partiality. Likewise, if the chair only calls on members speaking in favor of a motion, the chair may appear to be partial. A good idea is to ask for the opposite view in this case and to generally alternate between pro and con positions in debate.
- f. Staying focused: particularly when discussing political and controversial issues, the chair should keep the members on task and he or she should help members maintain their focus. Discussion of a resolution often goes off track. In such cases the chair should advise the assembly to confine its remarks to the pending question.
- g. Controlling the floor: General Robert is often cited for his remarks about not attending another meeting until he knew more about parliamentary law. Though a chair should be flexible and attentive to the needs of the body, a chair who lets things get out of control need not be a chair. By assigning the floor and controlling the procedures and demeanor of debate, an effective chair will assure that business is conducted in a fair and efficient manner.
- h. Don't be afraid to teach: a chair should help members out when there is a question about parliamentary procedure or another matter. If the assembly seems to be moving in one direction, the chair can help expedite matters. Likewise, if a member makes a long speech that seems to be a diatribe, the chair can ask the member if he or she would like to make a motion. A chair should also explain any decision that he or she makes. If a member is called out of order or if an amendment is declared to not be germane, a good chair will state the reasoning behind the parliamentary decision.
- i. Let the members do the work: the most effective chair will facilitate, not dominate. In so doing a chair must keep in mind the needs of the members. It is they who direct the course of action; a chair should only keep things running smoothly.

6. **RULES OF PROCEDURE:**

Except as otherwise provided by law, the governing body of each municipality may establish its own rules of procedures for the proper conduct of its meetings *UCA 10-3-606*. The governing body of each municipality shall prescribe rules and regulations which are not inconsistent with the laws of the state, as deems best for the efficient administration, organization, operation, conduct and business of the municipality *UCA 10-3-815*. All meetings must be conducted in conformance with Utah Code Title 52 Chapter 4, Open and Public Meetings.

Formal rules of procedure may be a comprehensive set of rules drafted by the governing body and formally adopted; or, the governing body may adopt a standard work of parliamentary procedure such as *Robert's Rules of Order Newly Revised*. Where standard rules are adopted, the ordinance or resolution adopting the standard rules frequently modifies the standard rule to some extent.

Standing rules are rules (1) which are related to the details of the administration of a society rather than to parliamentary procedure, and (2) which can be adopted or changed upon the same conditions as any act of the society. Although rules remain in effect until rescinded or amended, they do not bind future sessions if a majority desires to suspend them temporarily for the duration of a particular session.

Some assemblies, particularly legislative bodies, also apply the name "standing" rules to their rules of order. Whatever names an assembly may apply to its various rules, the vote required to adopt, amend, or suspend a particular rule is determined by the nature of its content according to the rules of its adopted parliamentary authority.

Standing rules are adopted, as any ordinary motion, by a majority vote, and are amended by a two-thirds vote without previous notice, by a majority vote, and are amended by a two-thirds vote without previous notice or by a majority vote with such notice; they therefore can be suspended by a majority vote as they do not involve the protection of a minority of a particular size. Through an incidental main motion adopted by a majority vote, a standing rule can be suspended for the duration of the current session.

7. **STATUTORY RULES:**

Utah law often prescribes rules of procedure. Where the statute prescribes a rule, the statutory rule must be followed. The following rules are prescribed by Utah state statute:

- A. No action of any governing body shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time. *UCA 10-3-503*

- B.
 - 1. In all municipalities, the mayor shall be the chairman and reside at the meetings of the governing body. In the absence of the mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as mayor pro tempore, who shall have all of the powers and duties of the mayor during his absence or disability. The election of a mayor pro tempore shall be entered in the minutes of the meeting.
UCA 10-3-403

 - 2. In a municipality organized under the council-mayor form of government, the municipal council shall, by a majority vote of its members, select one of its number as chairman. In a municipality organized under the council-manager form of government, the mayor shall serve as chairman of the council. A majority of the members shall constitute a quorum for the transaction of business, and no act of the council shall be binding unless a majority of a quorum concur in respect to it.
UCA 10-3-1213

- C. The mayor of any municipality shall have no power to veto any act of the governing body unless otherwise specifically authorized by statute.
UCA 10-3-404

- D. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action that would create a liability against the municipality, and in any other case at the request of any member of the governing body, by a "yes" or "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.
UCA 10-3-506

- E.
 - 1. The minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the governing body, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but may never be less than:
 - a. for a municipality operating under a five-member or six-member council form of government or a five-member council-manager form of government, three; or

- b. for a municipality operating under a seven-member council-manager form of government, four.
2. The minimum number of yes votes requires to pass an ordinance or resolution or to take an action by the legislative body of a municipality operating under a council-mayor form of government, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but may never be less than:
 - a. for a five-member council-mayor form, three; and
 - b. for a seven-member council-mayor form, four.
3. Any ordinance, resolution, or motion of the governing body having fewer favorable votes than required in this section shall be considered defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the governing body even though such majority vote is less than that required in this section.
4. A majority of the members of the governing body, regardless of number, may fill any vacancy in the governing body.

10-3-507 Amended 2004 General Session

- F. Final action on any report of any committee appointed by the governing body shall be deferred to the next regular meeting of the governing body on the request of any two members, except that the council in a city of third, fourth, or fifth class or a town may call a special meeting to consider final action.

UCA 10-3-609

- G. Any action taken by the governing body shall not be reconsidered or rescinded at any special meeting unless the number of members of the governing body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

UCA 10-3-508

- H. The governing body of each municipality may fine or expel any member for disorderly conduct on a two-thirds vote of the members of the governing body.

UCA 10-3-607

- I. The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body. This section or any action taken by the governing body pursuant hereto shall not preclude prosecution under any other provision of law.

UCA 10-3-608

ULCT Utah Municipal Officials' Handbook, Ninth Edition

Parliamentary Procedure Guidelines for Local Senates, Scott A. Lukas

Robert's Rules of Order Newly Revised

Utah State Code