

Municipal Meetings: Understanding Parliamentary Procedure



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Manchester Lincoln Center

Presented by
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Tom O'Dea practices in the firm's Westport office. He has represented and counseled individuals, partnerships, corporations and municipalities in various litigation issues ranging from motor vehicle accidents to wrongful termination. He has extensive trial experience in both federal and state courts.

From July of 1995 through December 2004, Mr. O'Dea served at the request of the Governor as a member of the Police Officers Standards and Training Council, which is responsible for overseeing and monitoring all municipal police training and certification. Please see www.post.state.ct.us. From December 1997 through December 2004, Mr. O'Dea served at the request of the Governor as a Victim Compensation Commissioner; as such, he was a member of the State of Connecticut's Judicial Branch and was responsible for adjudicating claims brought by victims of crimes. Please see <http://www.jud.ct.gov/crimevictim/>. In December 2004, Governor Rell appointed Mr. O'Dea to the Judicial Selection Commission, which is responsible for recommending the appointment and reappointment of jurists.

Mr. O'Dea was elected to New Canaan's Town Council in 2005.

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Effective Meetings



- First, what constitutes a meeting?
- Make sure that you have followed the requirements of the Freedom of Information Act – Conn. Gen. Stat. § 1-200, et. seq.

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WHAT CONSTITUTES A MEETING?



- Any hearing or other proceeding.
- Any quorum of a multimember public agency.
- Any communication by or to a quorum of a multimember public agency whether in person or by electronic equipment, to discuss or act upon a matter over which the agency has authority or advisory power.

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WHAT IS NOT A MEETING?



- Meeting of a personnel search committee for executive level employment candidates.
- Chance meeting or a social gathering neither planned nor intended for the purpose of discussing matters relating to official business.
- Strategy or negotiations with respect to collective bargaining.

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WHAT IS NOT A MEETING?



- Caucus of members of a single political party.
- Administrative or staff meeting of a single member public agency.
- Communications regarding the notice of meetings or their agendas.
- Quorum which is present at an official meeting of another agency.

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WHEN CAN THE PUBLIC BE EXCLUDED?



- Discussion concerning the appointment, employment, evaluation, health or dismissal of a public official or employee provided that such person may require that the discussion be held in public.
- Strategy and negotiations regarding pending claims or pending litigation.
- Matters concerning security.

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WHEN CAN THE PUBLIC BE EXCLUDED?



- Matters related to site selection or the lease, purchase or sale of real estate when discussion would likely lead to an increase in price.
- Discussion of any matter which would result in the disclosure of certain public documents, or the information contained therein, which is protected from disclosure pursuant to FOIA.

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EXECUTIVE SESSIONS



- Attendance limited to members of the agency and persons invited to present testimony or opinion pertinent to matters before the agency.
- Minutes must reflect all persons in attendance except for job applicants.

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MEETINGS IN GENERAL



- Meetings shall be open to the public.
- No member of the public shall be required to sign in, furnish any other information, complete a questionnaire or meet any condition as a prerequisite to attendance.
- Meetings may be recorded, photographed or broadcast in an inconspicuous manner and in a way so as not to disturb the proceedings of the public agency.

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MEETINGS IN GENERAL



- Votes of members must be reduced to writing and made available for public inspection within 48 hours.
- Minutes of meetings must be made available for public inspection within 7 days.

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REGULAR MEETINGS



- Schedule of regular meetings for the upcoming year must be filed with the town/city clerk by January 31st.
- Agenda of regular meetings shall be filed not less than 24 hours before the start of the meeting in the agency's regular office or, if none, with the town/city clerk.

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REGULAR MEETINGS



- Items not on the agenda of a regular meeting can be added and acted upon with the vote of 2/3 of those members present and voting.

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SPECIAL MEETINGS



- Notice must be posted with the town/city clerk at least 24 hours before any special meeting.
- Notice shall state the time and place of the meeting and the business to be transacted.

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SPECIAL MEETINGS



- Notice must be delivered to the home of each member of the agency prior to the special meeting unless a member files notice with the town/city clerk that delivery of notice is not required.
- Requirement of home notice is waived if the member is present at the meeting.
- No other business may be transacted at the special meeting.

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Once We've Established What is A Meeting, How Do You Run An Effective Meeting?

With An Effective Chair!



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8 Key Duties of a Presiding Officer (Chair):



- 1 – Be on time and start on time - If the police chief is late, amend agenda and postpone their report until the end;
- 2 – Be organized – create an agenda and stick to it – make sure you have a quorum – without a quorum can only move to recess or adjourn;
- 3 – Be prepared – have by-laws, standing rules, Roberts Rules, list of committee members;
- 4 – Be in control of the floor – try to allow everyone who wishes to speak the opportunity but keep it on point and concise;

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8 Key Duties of a Presiding Officer (continued):



- 5 – Be impartial – although a presiding officer has the right to debate, that right should be used sparingly.
- 6 – Be composed;
- 7 – Be precise – restate motion, be clear in voice vote, if necessary use hand vote (make sure everyone knows what is being debated / voted on);
- 8 – Be focused – do not allow irrelevant discussion and if necessary request a member to “confine their remarks to the motion on the floor.”

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CONTROL / FOCUS



- Freedom of speech is not absolute – a violation only occurs when the restricted speech is constitutionally protected and when the government's justification for the restriction is insufficient.
 - Restriction must be content neutral or based on a legitimate government interest (i.e. restricting public conversation about a lawsuit); see *Zapach* 134 F. Supp. 694;
 - Any speaker can be stopped whose speech becomes irrelevant – it is a judgment call – always avoid / stop personal attacks; see *Scroggins* 2 F. Supp. 2d 1374;
 - Personal remarks in a debate are always out of order – debate must be directed at motions and not motives, principles, not personalities;
 - Speaking time – no person may speak more than two times on any one motion on any one day with each speech less than 10 minutes – with a larger group you can limit it even further, 2-5 minutes, and offer additional time at the end, if available.
 - All comments should be directed to the Chair.

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RULES OF PARLIMENTARY PROCEDURE



The first edition of Robert's Rules Of Order appeared in 1876 and is currently being utilized by approximately 85% of all US organizations.

Mason's Manual of Legislative Procedure, first published in 1935, is used by the vast majority of state legislature's, including Connecticut's.

Demeter's Manual of Parliamentary Law and Procedure was first published in 1948 and is used by some Unions.

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RULES OF PARLIMENTARY PROCEDURE (cont.)



Sturgis' Standard Code of Parliamentary Procedure is used by approximately 10% of US organizations, mostly physicians and dentists.

Bourinot's Rules of Order is used by many organizations in Canada.

Courts have required all organizations (business, professional, educational, governmental and non-profit) to observe parliamentary rules.

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Robert's Rules of Order



- The larger the group the greater the need for rules of order.
- Goals:
 - Keep order
 - Get business done
 - Resolve issues that arise during the proceedings
- First written in 1876 by Major Henry Martyn Robert.
- Now in its 10th edition.

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Robert's Rules of Order (cont.)



- Quorum needed to start a meeting.
 - Bylaws determine quorum.
 - If not stated, more than 50%
- No quorum
 - Recess
 - Adjourn
- If quorum is lost – same as above

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Robert's Rules of Order (cont.)



- Standard Order of Business
 - Minutes
 - Reports
 - Old Business
 - New Business
- Agenda
 - List of items to be discussed

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Robert's Rules of Order (cont.)



- Some Motions are debatable, some are not, some can be amended, some not, some require a majority vote, some two-thirds – these are called the “standard characteristics” of a motion – they depend on the type of motion.
- Handout

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Governing Documents



Different rules that govern your organization are called “Governing Documents” and, in order of hierarchy, include:

- Federal Constitution and Federal Laws
- State Constitution and State Laws
- Charter
- Bylaws – should include all rules that the group considers important enough that members at a single meeting can not change on a whim and can not be suspended – amendment requires notice and 2/3 vote;
- Special Rules of Order – rules contained in the parliamentary authority are called rules of order. Sometimes organizations feel a need to have additional rules of order, which differ from said authority (i.e. time for debate);
- Parliamentary Authority – i.e. Robert's Rules;
- Standing Rules – govern the administration of the organization (i.e. names of guests);
- Policies and Procedures

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Two Types of Motions



Two types of Motions: Main and Secondary (a resolution is a formal motion)

- **Main Motions** - a motion which introduces a substantive question as a new subject (content does not determine whether a motion is main or secondary – it's the motion's relationship to the other motions that establishes the type of motion – i.e. motion to recess can be both main and secondary).

- Requires a second;
- Can be debated, amended, referred... (see subsidiary motions)
- Needs a majority of those voting to pass – Abstentions don't count;
- Maker of a motion has the first right to speak, except that the Chair has the right to speak out of order;
- Chair can require long motions be in writing;
- Maker of a motion can vote against a motion but can not speak against the motion they move;
- 6 Steps of a motion: 1- make the motion (avoid "so moved"); 2 - second; 3 - chair restates and asks "Any discussion?"; 4 – debate - motion is pending or on the floor "Any further discussion?"; 5 - repeat motion and call vote; 6 - chair states result after again restating the motion;
- Ownership of the motion is with the maker until step 3 then the group owns the motion.

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Debate



- Moving member speaks first.
- Recognized by the chair.
- Speak twice.
- Can't speak a second time until everyone has a first chance.
- Remarks must be germane.
- Debate issues – not personalities.
 - Avoid: "liar", "stupid", "ridiculous"
- All comments and questions through the chair.
- Debate can be limited or extended.

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Four Classes of Secondary Motions



- 1 - Subsidiary Motions – relate directly to the motion on the floor;
- 2 - Privileged Motions – motions of an emergency nature that do not relate to the motion on the floor but rather to the welfare of the group – not debatable;
- 3 - Incidental Motions – procedural motion that must be decided before business can proceed;
- 4 - Restorative Motions – also procedural but generally occur later in the process.

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1 - SUBSIDIARY MOTIONS



(Relate directly to motion on floor and all must be seconded)

- Motion to Postpone Indefinitely or to a Time Certain – next meeting or to a fixed date. DEBATABLE, no amend;
- Motion to Amend – amendment must be germane but does not have to be consistent - DEBATABLE;
- Motion to Commit or Refer – sends the question on the floor to a committee or small group to be studied and/or put into proper form – the committee ends after the report but if you want the committee to end before the report make a motion to discharge a committee - DEBATABLE;
- Motion to Limit or Extend Limits of Debate – can reduce the number of speakers and length of speeches – two-third vote needed – NOT DEBATABLE – is amendable but can't debate amendment;
- Motion to Move the Previous Question – cuts off debate – two-third vote needed – NOT DEBATABLE nor amendable;
- Motion to Lay on the Table – most misapplied motion – if done to kill a motion or postpone, it is out of order – NOT DEBATABLE nor amendable
 - Used when need to bring another motion to the table – i.e. if a commissioner has to leave but wants to vote on a more important motion, you can table the one being debated;

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Amendments



- Be precise in wording and where in the main motion it is to go.
- Must be germane – or out of order.
- Debatable.
- After adoption, the debate on the amended motion continues.
- Can't undo the amendment once it is approved.
- “Bigger bite” rule.

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2 - PRIVILEGED MOTIONS



(Emergency in nature that do not relate to the motion on the floor but rather relate to the welfare of the group – **NOT DEBATABLE**)

- Motion to Take Up Business in the Proper Order or Call for the Orders of the Day – is used when the agenda is not being followed – no second, need 2/3 to continue out of order, can only call once until issue decided;
- Motion to Raise a Question of Privilege – rights of the organization or any of its members (i.e. can not hear speaker, speaker misstating remarks...) – may interrupt, no second, chair decides;
- Motion to Recess – need a second, may be amended, no debate, and majority vote needed;
- Motion to Adjourn – need a second, no debate, no amendment allowed, and majority vote needed;
- Motion to Fix the Time to Adjourn – need a second, no debate but may be amended – also this is the only non-subsidary motion which may be reconsidered.

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3 - INCIDENTAL MOTIONS



(Procedural – None debatable, except Appeal)

- Point of Order – if you feel the chair or anyone is failing to operate within the rules - the chair makes the ruling or submits the question to the assembly—no second, no debate nor amend;
- Appeal of Chair's Decision on Point of Order – must be seconded and no one but the chair can speak twice – this is the only incidental motion that may be debated;
- Objection to Consideration of the Question – no second needed but no amendment allowed, no debate and it needs a 2/3 vote – done before debate begins;
- Motion to Divide the Question – each must stand on its own or it is out of order – needs second, no debate, amenable but only as to how to divide the question – majority vote;
- Motion to Close Nominations or Close Polls – may be amended but no debate and need two-thirds vote;
- Motion to Suspend the Rules – need second along with two-third majority but can not debate nor amend (i.e. rule on debate limits);
- Division of the Assembly – requires a standing vote after a voice or hand vote – no second, no debate, no amendment.

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4 – RESTORATIVE MOTIONS



(Brings the question back before the body – all such motions need a second)

- Motion to Take From the Table – only restorative motion that is not debatable and no amendments;
- Motion to Rescind – used to quash or nullify a previous motion
 - With advance written notice only need a majority vote
 - Without advanced written notice, need a 2/3 majority of those present & voting
 - Debatable and amendable
- Motion to Amend Something Previously Adopted – May be amended and is debatable – same voting as above.
- Motion to Reconsider – debatable if original motion debatable but may not be amended
 - Same day, majority vote
 - Motion made by person voting on the prevailing side

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The Ladder Or Precedence of Motions



When a motion on the following list is pending, any motion above it on said list can be made at that time while any motion below it can not:

1. Fix the time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for the orders of the day
6. Lay on the table
7. Previous question
8. Limit or extend limits of debate
9. Postpone to a time certain
10. Commit or refer to a committee
11. Secondary amendment – amend an amendment
12. Primary amendment – amend a motion or resolution
13. Postpone indefinitely
14. Main motion

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Smaller Meetings



(Fewer than a Dozen)

In smaller meetings, formal procedure may actually hinder business and, therefore, Robert's recommends that the following less formal procedures be allowed:

- Members not be required to obtain the floor and can make motions and speak while seated, including the chair when calling a vote;
- Motions need not be seconded;
- Motions can be reconsidered, regardless of when the motion was made;
- There is no limit to the # of times a member can speak to a question and that motions to close or limit debate not be entertained;
- The presiding officer can speak in discussion, make motions and vote.

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CONCLUSION



- One thing at a time
- One person at a time
- One time per meeting (unless reconsidered by "winning" member)
- Quorum
- Majority v. 2/3 vote
- Silence = consent to decision made by group
- Everyone is treated equally and fairly

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The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability, automobile-property insurance, risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the national League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (headquarters) and in Hartford.

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