

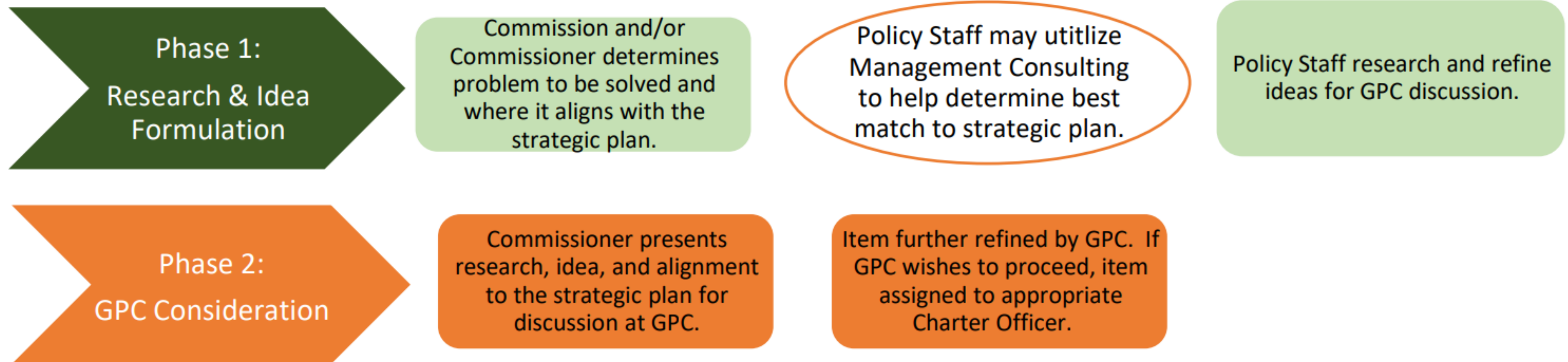
#2023-830A

COMMISSION RULES OF PROCEDURE

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POLICY RESEARCH PROCESS



RULES OF PROCEDURE BACKGROUND

- Rules of procedure, or parliamentary procedure, are the rules adopted by a commission to facilitate discussions and decision-making in an efficient, orderly, and fair manner.
- The basic concepts are motions, amendments, points of procedure, chairs, and quorum.
 - A **motion** is a formal proposal by an assembly member for the assembly to take action.
 - A **quorum** is the minimum number of members who must be present for the body to conduct business.
- The most common parliamentary manual used by governing bodies is *Robert's Rules of Order*. However, most commissions use their own local procedures, which are modified versions of Robert's Rules or other parliamentary manuals to accommodate a smaller body.

MOTION PRACTICES

- Rules of procedure may prohibit discussion on a topic until a motion is made, seconded, and stated by the chair
 - Alternative: An informal discussion of a subject is permitted while no motion is pending.
- A motion dies if not seconded, unless motions explicitly don't require a second.
- Typically, the chair cannot make motions, second, and vote on all questions.
 - Alternatives: The chair can make a motion, second a motion, and/or vote.
- A motion that receives a tie vote fails.
- Some rules of procedure allow a motion to be withdrawn by the maker at any time without the consent of the body (Rosenberg's), while others require approval from the body (Robert's).

MOTION PRACTICES

- Common motion types:
 - Robert's Rules uses main motion, subsidiary motion (changes or affects the main motion), incidental motion (procedural), privileged motion (urgent or essential matters)
 - Rosenberg's Rules uses the basic motion, motion to amend, and the substitute motion (do away with the basic motion).
 - A "friendly amendment" is an informal parliamentary tool where a member can amend a pending motion if the maker and the person who seconded accept the change.
- Varying limits on the number of motions that can be on the floor at the same time.
 - Robert's allows 13 while Rosenberg's allows 3
- The order of addressing motions is determined by a system of precedence (typically, last motion that is made is voted on first, but some types of motions are given precedence)

MOTION PRACTICES

- Certain motions can be designated as not debatable (motions to adjourn, recess, fix the time to adjourn, table, limit debate)
- Certain motions can require a supermajority (2/3 votes) to pass (motion to limit debate, close nominations, object to the consideration of a question, suspend the rules)
- Motions to reconsider (rescind or amend something previously voted on) have special rules:
 1. Must be made at the meeting where the item was first voted upon, and
 2. Can only be made by a member who voted in the majority on the original motion.
- Members are commonly limited to speaking twice on an issue and can only speak a second time after all others who want to speak have spoken.
 - Alternative: There is no limit to the number of times a member can speak to a question.
 - Time limits can also be set for how long members can speak to an issue

QUORUM PRACTICES

- The chair and council guide rules on quorum, such as whether to exclude vacant seats for purposes of determining quorum, and whether to always count the chair or only to break a tie.
- Default rule is to define a quorum as a simple majority of the council membership, or as “fifty-percent plus one of the members of the council.”
- If the body has less than a quorum of members present, it cannot conduct business.
 - The body can lose the quorum when a member departs or leaves the dais, and then also loses its ability to conduct business until a quorum is reestablished.
 - May take limited procedural actions during this time: to fix the time to which to adjourn, adjourn, recess, or take measures to obtain a quorum, such as a motion that absent members be contacted during a recess.
- A member of the body may attend a meeting electronically if a quorum is physically present at the meeting location and all members physically and electronically present can hear each other.

CITY OF GAINESVILLE

- The current rules of the City Commission contain some elements of typical parliamentary procedure including quorum and voting requirements, presiding officer duties, and rules of debate.
- Current rules **do not**
 - Adopt a supplementary parliamentary authority, such as *Robert's Rules*; or
 - Include a detailed description about the use and types of motions, except motions to vote immediately.
- **Quorum:** Four (4) members of the Commission constitutes a quorum for the transaction of business. A meeting may be cancelled by the Mayor and the Clerk if a quorum will not be present.
- **Motions:** The presiding officer may move, second, and debate but must relinquish the chair if moving or seconding.
 - No motion shall be debated or put to a vote unless seconded.
 - The presiding officer must relinquish the chair to make or second a motion.
 - Each member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine their remarks to the question under debate.
 - A motion to vote immediately must be seconded, is not debatable, cannot interrupt a speaker, requires a two-thirds vote, takes precedence over subsidiary motions, and can not have any motions applied to it.
 - Motions for reconsideration are permitted after the decision of any question. If approved by a majority, the item is place on a future agenda

CASE STUDIES

01

Tampa, FL

03

**Tallahassee,
FL**

02

Clearwater, FL






Tampa, Florida

- 10-page document for Rules of Procedure that adopts *Robert's Rules of Order* to supplement the Council's rules.
- Four (4) Council members out of seven (7) shall constitute a quorum.
 - If a member is ill and cannot be physically present at a meeting where there is already a quorum, they can participate and vote by teleconferencing, except in quasi-judicial matters.
- Makes limited reference to motions.
 - Motions that relate to an ordinance or resolution that fail to receive at least four votes in support or opposition are automatically brought before the Council at the next regular meeting.
 - Motions to reconsider shall be made only by a member who previously voted on the prevailing side and shall be made only at the same meeting or at the first subsequent regular meeting.
- No Council member shall introduce a motion or speak to a subject under discussion without recognition by the Chair.
 - Members cannot speak more than twice on a subject.
 - Members cannot speak a second time until all others who want to speak have spoken.
 - Remarks are limited to five minutes per agenda item.



Clearwater, Florida

- Has a 9-page document for the City Council's rules. Explicitly adopts the most recent edition of *Robert's Rules of Order* as parliamentary authority to supplement the rules.
- A quorum consists of three (3) out of five (5) members.
- Motions are addressed more thoroughly
 - Council members may discuss an agenda item before a motion is made; ends when a motion to call the question is made.
 - The Chair shall not make or second a motion.
 - Motions and amendments can be withdrawn or modified by the maker of the motion any time before the Chair states the question on the motion, after which Council approval is required.
 - Non-debatable motions are outlined (adjourn, lay on the table, take from the table, call the previous question)
 - Any member who voted with the prevailing side may move a reconsideration of any action provided that the motion is made at the same meeting at which the action was taken.
 - Motions to rescind may be made by any member and passed by a majority vote.
 - Members are not entitled to speak a second time until others who want to speak have spoken.



Tallahassee, Florida

- Has a 3-page set of rules within the City Commission's policies that addresses the City Commission's rules of order.
 - Does not address motions
- Listed parliamentary procedures are limited, but policy explicitly states that the City Commission adheres to simplified parliamentary procedures to conduct its meetings and is guided by *Robert's Rules of Order, Newly Revised* .
- City's Code of Ordinances specifies that a majority of all members elected to the City Commission constitutes a quorum.
 - A lesser number may adjourn from day to day and compel the attendance of absent members.

POTENTIAL ADVANTAGES TO PROCEDURAL RULES

Advantage

**Rules of procedure
can promote order
and efficiency within
commission
meetings.**

Advantage

**Rules of procedure
can help to ensure
that all members of
the commission have
the opportunity to
speak and have their
voices heard.**

Advantage

**Adopting a
parliamentary
procedure manual
can provide clear
guidance in situations
not specifically
addressed in local
rules.**

POTENTIAL DISADVANTAGES TO SIMPLIFIED PROCEDURAL RULES

Disadvantage

Adopting simplified parliamentary manuals (e.g., *Rosenberg's*) may give the Chair too much discretion when authority would otherwise be given to the body.

Disadvantage

Greater use of substitute motions, friendly amendments, and unilateral motion withdrawals permitted in some simplified manuals may be disruptive and confusing.

Disadvantage

Simplified parliamentary manuals do not cover all the motions, situations, and issues addressed in *Robert's Rules*.

POTENTIAL DISADVANTAGES TO ROBUST PROCEDURAL RULES

Disadvantage

Adopting overly formalized procedures can make the discussion and debate process too complicated or rigid possibly causing confusion, wasting time, and obscuring the issues.

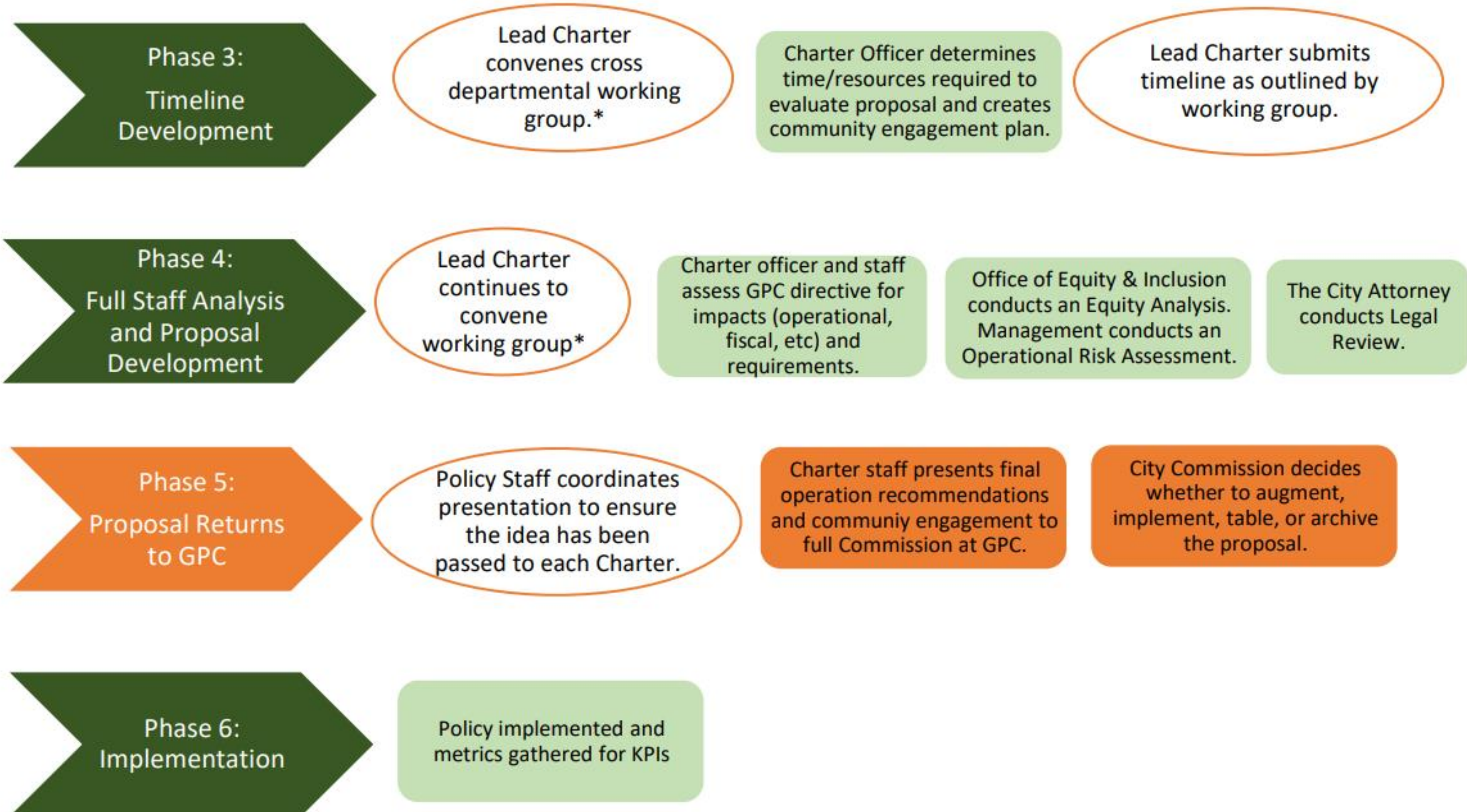
Disadvantage

Lengthy formalized procedures can discourage member participation or be weaponized against members who are not as familiar with the procedures.

Disadvantage

Having a more formalized parliamentary process can also place additional burdens on the Chair and create the administrative burden of appointing a formal parliamentarian.

POLICY RESEARCH PROCESS





DISCUSSION?

