

Parliamentary Procedure:

Being Aware of the Key Rules

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TML 2021 Newly Elected Officials

“Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.”



Henry Clay

“When the burdens of the presidency seem unusually heavy, I always remind myself it could be worse. I could be a mayor.”

Lyndon B. Johnson



Parliamentary Law

It is an organized system that allows a group of people to come together and make a decision. The system is made up of basic principles and rules that determine how the group will proceed through the decision-making process

WHY PARLIAMENTARY PROCEDURE ?

- PROVIDES STRUCTURE TO THE MEETING
- PROTECTS THE MINORITY
- ALLOWS FOR FREE AND IMPARTIAL DEBATE IN A REASONABLE AMOUNT OF TIME
- SAVES TIME – EFFICIENCY

PROVIDES STRUCTURE AND HELPS MANAGE THE MEETING

- It is much easier to conduct a meeting when everyone knows the rules:
 - How to be recognized
 - How to make motions
 - What motions to make
 - How the chair will handle routine matters
 - Wait, it's moving too fast.....
 - We are repeating ourselves

PROTECTS THE RIGHTS OF THE MINORITY

- A decision made by a group who listened to the minority is usually far better than one made by a group who ignored or ridiculed the minority.
- Ensure that the minority are heard
 - Correct use of parliamentary procedure ensures that everyone is treated fairly
 - All sides of the issue have a fair hearing
 - Rules are the same for everyone

ALLOWS FOR FREE & IMPARTIAL DEBATE IN A REASONABLE AMOUNT OF TIME

Roberts Limits on Debate – two times – 10 minutes – no 2nd speeches until everyone has spoken that wants to.

- If you adopt Roberts Rules of Order as your parliamentary authority you can then adopt local rules that work better for your organization.
 - You could modify this to limit the time to 5 minutes, for example

SAVES TIME - EFFICIENCY

- Use of the consent agenda
- Use of unanimous consent
- Correct use of tabling – something more urgent has come up and we need to handle it ahead of this (same meeting)
- Postpone to a certain time – until the next meeting, until 6:30 pm, until the Finance Committee reports back
- Postpone indefinitely – kills something that has already gotten into debate (you agree not to decide)

The Texas Open Meetings Act



The Texas Open Meetings Act (Sec. 551, Texas Government Code) and home rule city charters provide the form, organization, and some of the more fundamental rules of procedure for governing bodies.

The Texas Open Meetings Act (TOMA) will **always** take precedence over parliamentary procedure or other procedural guidelines.

Hierarchy of Rules



- Federal and State law and judicial precedent (Laws of the land)
- Home Rule Charter
- Local laws or ordinances
- Special Rules of Order of Council
- Rules of order (parliamentary authority)
- Standing rules
- Policies and procedures
- Custom

Basic Rules of Parliamentary Procedure

Parliamentary procedure is designed to carry out the will of the majority while preserving the rights of the minority.



Rules of Parliamentary Procedure

The rules of parliamentary procedure are based on common sense and logic; they are designed to protect:

- * the rights of board members in the majority to make decisions;
- * the rights of the board members in the minority to be heard;
- * the rights of individual members; and
- * the rights of absentees.

A careful balance of the rights of the organization as a whole, the rights of subgroups within the organization, and the rights of individual members must be maintained. **Parliamentary procedure should help, not hinder, decision making.**

The ten “commandments” of parliamentary procedure:

1. **The organization is paramount as opposed to the individual.**
2. **All members are equal.**
3. **A Quorum Must be Present to Conduct Business and/or to Take Legal Action**
4. **Only One Main Question May be on the Floor at a Time**
5. **Only One Member/Speaker Can Have the Floor at a Time**

Basic Rules of Parliamentary Procedure

- 6. Debatable Motions Must Receive Full Debate**
- 7. Personal Remarks During Debate are Always Out of Order**
- 8. A Question, once Decided, Cannot come back before the assembly in the same manner in the same form, except by reconsideration.**



Basic Rules of Parliamentary Procedure

- 9. The Majority vote decides (unless a greater majority is required by another rule)**
- 10. Silence gives Consent – if you do not vote you give your consent to the decision made by the group (not the same as abstaining)**

Basic Parliamentary Procedure

To become an act or choice of the body, a proposition is adopted by a majority vote:

- Direct approval registered by more than half of the members present and voting
 - In a properly called meeting
 - Where a quorum is present

Introduction of Business

Main Motion: a formal proposal that certain action be taken

2 steps to obtain the floor:

- Addressing the chair
- Assigning the floor (recognition)

3 steps to bring a motion before the group

- A member makes a motion
- Another member seconds
- Chair states the question on the motion

No Second, No Debate!

To second a motion is to agree that the motion is worthy of discussion and consideration.

Don't want to consider it? Don't say a word!

Motion is not considered for lack of a second.

(Note: Some privileged and incidental motions do not require a second.)

Let's Talk about the Second

- **A second merely implies that the seconder agrees that the motion should be considered by the governing body and is *NOT* an indication that the seconder favors the motion.**

Let's Talk about the Second

- After a motion has been made and seconded, the chair puts the motion before the assembly by *stating the question*. In stating the question, the chair repeats the motion made verbatim and announces that it is open for debate. The maker of the motion has the opportunity to speak first in debate.

Let's Talk about the Second

- Until the chair states the question, the motion “belongs” to the maker and he may withdraw or modify the motion if he wishes. After the question has been stated by the chair, the motion becomes the property of the governing body and formal action is required to modify or terminate the motion.

Considering the Motion. . .

3 steps in the consideration of a motion

- Members debate the motion (unless no member claims the floor for that purpose)
- Chair puts the question to a vote
- Chair announces the result of the vote

Considering the Motion

- When it appears debate has ended, the chair asks whether the body is *ready for the question*. If no one takes the floor to debate further, the chair restates the question and *puts the question* to a vote.
- A question (motion) is pending when it has been stated by the mayor but has not yet been voted on.
- The last motion stated by the mayor is the first motion pending.
- The main motion is always voted on last, after amending or subsidiary motions have been resolved.
- According to RONR, the mayor's wording of a motion when it is put to the vote is the definitive version to be included in the minutes.
- The mayor should always ask for negative votes even if the vote appears to be unanimously affirmative.

Five Categories of Motions

Main Motions:

- Introduce business before the assembly
- ***Characteristics:*** A main motion may only be made when no other motion is pending. It is out of order if made when another motion is pending.
- It is debatable. It is amendable. Generally, requires a majority vote. It must be seconded. It can be reconsidered.

Motions (cont.)

Subsidiary Motions:

- Assist the assembly in treating or disposing of a main motion
- Always applied to another motion while it is pending
- There are seven subsidiary motions

Subsidiary Motions

- **Lay on the Table**
- **Call the Previous Question**
- **Limit or Extend the Limits of Debate**
- **Postpone to a Certain Time (or definitely)**
- **Commit or Refer**
- **Amend**
- **Postpone Indefinitely**

Motions (cont.)

Privileged Motions:

- Motions which by their nature are not related to pending business, address special matters of importance, which require immediate consideration and above anything else.
- There are five privileged motions:

Privileged Motions

- **Fix the Time to Which to Adjourn**
- **Adjourn – if you have reached the end of your agenda no motion is required. The chair can declare the meeting adjourned**
- **Recess**
- **Raise a Question of Privilege – for the group or an individual**
- **Call for the Orders of the Day - getting back on track**

Motions (cont.)

Incidental Motions:

- Motions which, by nature, are questions of procedure that arise out of other motions.
- They must be considered before the other motion

Motions (cont.)

Incidental Motions:

- Types:
 - How a motion will be considered
 - Question the appropriateness of business
 - Requests
 - Voting
 - Nominations and Elections

Incidental Motions

- **Division of the Question**
- **Consider by Paragraph or Seriatim**
- **Create a Blank**
- **Object to Consideration of a Question**
- **Point of Order**
- **Appeal Chair's Decision**
- **Suspend the Rules**
- **Parliamentary Inquiry**
- **Request for Information**
- **Request for Permission to Withdraw a Motion**
- **Methods of voting**
- **Division of the Assembly**
- **Close Nominations or Close the Polls**
- **Reopen Nominations or Reopen the Polls**

“Bring Back” motions

Motions that bring a question again before the assembly, for example:

- Take from the table
- Reconsider
- Rescind or Amend something previously adopted
- Discharge a Committee – take something from a committee

Amending a Main Motion



“A motion to modify the wording – and within certain limits the meaning – of a pending motion before the pending motion itself is acted upon.” RONR

Forms of Amendments:

- Insert (add) a word, consecutive words or paragraph
- Strike out a word, consecutive words or paragraph
- Strike out and insert a combination of the above
- Substitute (but must be germane)

The Ups and Downs of Parliamentary Procedure

How To Use the Ladder of Motions

a.k.a.

The Precedence of Motions

Precedence of Motions is a list of specific motions that indicate the priority of motions. When a motion on the list is pending, any motion above it is in order and any motion below it is out of order.

The precedence of motions, with the pending motions in bold. You work your way out of the sequence of pending motions by stepping down the ladder, voting on each immediately pending motion as you go.

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



Let's try it out

- Member A - Main Motion - I move that we purchase a computer (this is seconded, restated by the chair and being discussed)
- Member – B Primary amendment – I move to amend the motion by adding the words not to exceed \$2000 (this is seconded, restated by the chair and opens it to debate)
- Member C - Secondary amendment – I move to amend the amendment by striking \$2000 and inserting \$4000 (this is in order, there is a second, restated by the Chair and debated)
- Member D - Postpone to a certain time – I move to postpone this motion until our next meeting April 23rd (this is in order, there is a second, restated by the chair and debated)
- Member E Commit - I move that we refer this to the finance committee – this is out of order since it is below Postpone to a certain time

How it looks

- Member A - Main Motion - **I move that we purchase a computer**
- Member – B Primary amendment – I move to amend the motion by adding the words in an amount not to exceed \$2000
- **I move that we purchase a computer in an amount not to exceed \$2000**
- Member C - Secondary amendment – I move to amend the amendment by striking \$2000 and inserting \$4000
- **I move that we purchase a computer in an amount not to exceed ~~\$2000~~–\$4000**
- Member D - Postpone to a certain time – **I move to postpone this motion until our next meeting April 23rd**

How do we get out of this?

- Vote on the postponement **if it passes everything is postponed to the next meeting – However it does not pass**
- Next we vote on the secondary amendment from Member C – to strike \$2000 and insert \$4000 – **it passes**
- Next we vote on the primary amendment from Member B which is **now amended** so that the motion to be voted on is **“I move to amend the motion by adding the words in an amount not to exceed \$4000”** **it passes**
- Next we vote on the Main motion as amended which now reads **I move that we purchase a computer in an amount not to exceed \$4000** . It passes and we have decided to purchase a computer with a price restriction.

Amendment Pitfalls

- an amendment is presented when another member has the floor (lack of courtesy)
- debate is not confined to pending amendment
- a question has already been decided and the motion is being used to change a previous motion or action
- the amendment is not germane/relevant to the main motion or primary amendment
- the amendment is equivalent to a rejection of the main motion
- new business is introduced under the pretext of being an amendment

Debate

Robert's says that debate is the discussion regarding a motion that occurs after the presiding officer has restated the motion and before putting it to a vote.



Rights in Debate



- A member can speak no more than twice on the same question on the same day.
- No member can speak a second time on an item so long as another is requesting recognition to speak for a first time on the same item.
- Each speech must be limited to ten minutes

Rights in Debate (cont.)



- The maker of a motion has the right to be the first to speak on it.
- All remarks must be limited to the merits of the subject immediately before the assembly.
- All remarks must be addressed to and through the Chair

Rights in Debate (cont.)



- Personal remarks should be avoided and motives of members must not be questioned; the item, not the person, is the subject of debate.
- Members are seldom referred to by names; officers are referred to by their titles.

Rights in Debate (cont.)



- A member may not speak against his own motion; **however, he may vote against it.**

What's Debatable?

- Every main motion
- The following subsidiary motions:
 - Postpone Indefinitely (fully debatable)
 - Amend (limited to merits of amendment)
 - Commit or Refer (limited to wisdom of referring)
 - Postpone to a Certain Time (limited to time to which the motion will be postponed)

What's Debatable? (cont.)

- Incidental motions
 - Appeal
 - Request to be Excused from a Duty
- Rescind/Amend Something Previously Adopted
- Discharge a Committee
- Reconsider (a debatable motion)

What's Not Debatable

- The following subsidiary motions:
 - Limit or Extend Limits of Debate
 - Previous Question
 - Lay on the Table
- All privileged motions
- Incidental motions with the exception of Appeal and Request to be Excused from a Duty

What's Not Debatable (cont.)

- Motions that bring a question again before the assembly:
 - Take From the Table
 - Reconsider (an undebatable motion)
- Nominations

Commonly Confused Motions

- Lay on the Table (To Table)
- Postpone to a Certain Time
- Postpone Indefinitely

Commonly Confused Motions

Lay on the Table (To Table)

- Its designed purpose is to set aside the pending business temporarily, without setting a time for resuming its consideration in order to take up something more urgent
- A motion should not be tabled until the next meeting – the proper action would be to postpone to a certain time or until certain information is obtained

Commonly Confused Motions

Postpone Indefinitely

- Postpone indefinitely kills , or disposes of, the main motion for the remainder of the meeting without bringing it to a direct vote. It is used if an embarrassing main motion has been proposed or members wish to defeat the proposal without going on the record as having voted “no” on the motion.
- Also, when members really don't want to vote down a proposal, but it just isn't exactly the right alternative, the motion to postpone indefinitely should be used.

Commonly Confused Motions

Postpone to a Certain Time

- If the council is not ready to take a final vote on a motion, it can be postponed until later in the same or to the next meeting or another date certain.

Commonly Misused Motions

PREVIOUS QUESTION

- Previous question: many council members may recognize this motion to close debate as **call the question**. It is often misused and almost always misunderstood.
- A member must have been recognized by the chair to make the motion to close debate by saying, “I move the previous question.”
- This motion cannot interrupt a speaker; a second is required; and a two-thirds vote is necessary for adoption. Alternatively, unanimous consent may be used.

Commonly Misused Motions

PREVIOUS QUESTION (cont.)

- What frequently happens is that while a member is speaking – another member calls out “question” or “I call the question.”
- The chair says the question has been called and immediately takes the vote on the pending question, effectively allowing one member who knows the “magic words” to take control of the meeting.
- This is an abuse and violation of members’ right to speak in debate. As previously noted, whenever a motion infringes on the rights of the membership, a two-thirds vote is required for adoption.

Parliamentary procedure allows for numerous methods of voting on a motion.
Remember, TOMA rules!



VOTING METHODS:

- **General or unanimous consent:**
- **Voice Vote:**
- **Show of hands vote:**
- **Rising vote:**
- **Rising counted vote:**
- **Roll call vote:**

Voting methods

With ADA: A voting card has replaced the rising vote, as standing/sitting can be physically difficult for some.

Parliamentary Procedure allows for voting by secret ballot and by proxy in certain circumstances.

Neither method is allowed under TOMA.

Voting methods

- The voting method used must be public and votes registered in a way that the public can determine how each councilmember voted.
- The presiding officer does not need to call for abstentions. When a member does not vote yes or no, he/she has abstained.

Voting methods

Majority vote is “more than half” of the votes cast.

If a vote ends in a tie, the vote fails.

Two-thirds vote simply means that there were at least twice as many votes in favor of the motion as there were against the motion.

A two-thirds vote of:

1 is 1	11 is 8
2 is 2	12 is 8
3 is 2	13 is 9
4 is 3	14 is 10
5 is 4	15 is 10
6 is 4	16 is 11
7 is 5	17 is 12
8 is 6	18 is 12
9 is 6	19 is 13
10 is 7	20 is 14

Key Rules to Remember

- Make sure everyone has the right to speak;
- Make sure everyone's opinion is met with an atmosphere of respect for their right to hold and promote that opinion;
- Make sure that meeting participants are all focused on the same decision and that they are not confused about which issue is being decided.

Parliamentary Procedure



Can be a valuable tool for Councils to use in conducting city business in a timely, orderly, democratic manner. It has often has been described as an application of the “Golden Rule” *with common sense and courtesy.*

Citizen Comments

- TOMA does allow for citizens comments during public meetings, it is not required.
 - If you have a citizen comment section on the agenda please remember that you cannot comment, you can only listen and thank them for their comments.
 - If issues are brought up during comments that the Council would like to have staff look into or added to a future agenda the chair may certainly give that direction but under TOMA no discussion since the item was not posted.

Citizens Comments

If you have set a time limit for comments it is best to be consistent. Having someone keep track of the time for all speakers is one way to be sure all speakers are treated fairly.

If you have rules set up for public comment either related to agenda items or just in a public comment section you should follow those rules consistently to ensure fair treatment.

Effective Chair or Presiding Officer

- Starts the meeting on time (with a quorum)
- Guided by group's mandate
- Dedicated to maximizing return on investment in meeting
- Able to articulate principles of fairness, equity and common sense in a clear manner
- Is decisive and purposeful and is able to inspire members
- Treats members with respect
- Balances right of majority to rule with right of minority to be heard
- Establishes order and decorum gently but firmly, intervening when necessary
- Prepares for meeting thoroughly and leads by example
- Stays focused on the agenda, but doesn't short change debate

Effective Chair (cont.)

- Good sense of timing
- Leaves ego at the door
- Constantly seeks agreement and builds consensus
- Sense of humor

Duties of the Presiding Officer

- Be on time and start the meeting on time (if a quorum is present)
- Be organized (well-prepared agenda)
- Be prepared (familiar with procedural rules, bylaws, customs of the group)
- Be a mentor (explain procedures and motions; keep the group focused)
- Be in control of the floor (maintain order)
- Be impartial, calm, and objective
- Be precise (restate the motion before the vote and announce the result of the vote)
- Be courteous (firmly, yet quietly maintaining control)



Duties of Effective Council Member

- Be committed to mission and governing documents
- Attend as many meetings as possible
- Pull his/her own weight and work diligently for team
- Comply with conflict of interest guidelines
- Express view on issues, as needed, before decisions are made
- Be prepared to ask tough questions and raise concerns
- Accept the majority's decision as Board decision
- Keep an open mind and show sensitivity, empathy, and compassion
- Do homework for meetings
- Keep the proceedings at in-camera meetings confidential

An Effective Parliamentarian

- Does most of his/her work outside the meeting
- Gives opinions, not rulings
- Participates in agenda preparation
- Meets with Chair and other staff who will attend meeting
- Anticipates trouble spots in agenda
- Keeps current on basic rules
- Keeps a "cheat sheet" with FAQ close by during meetings
- Stays objective on issues
- Speaks when spoken to unless a major breach is about to occur
- Ultimately advises and makes presiding officer and group as a whole look good

CONTACT INFO

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Speaker Bio

- Mary Kayser, TRMC, MMC, was the city secretary of Fort Worth from January 2012 until June 2021. She previously served the City of Garland as City Secretary from 2006-2012 and served the City of Burleson as deputy city secretary from 1992-1999, and then as city secretary from 1999-2006.
- She has been an instructor for numerous TMCCP Election Law Seminars. She has also been a Texas Municipal League instructor for “Newly Elected City Officials” for Parliamentary Procedure since 2006.
- Mary is active in the Texas Municipal Clerks Association (TMCA) and the North Texas Municipal Clerks Association Chapter (NTMCA). Mary was selected as the TMCA Municipal Clerk of the Year in 2010.
- Mary is a Texas Registered Municipal Clerk and holds the Certified Municipal Clerk and Master Municipal Clerk designations from the International Institute of Municipal Clerks.