

PUBLIC MEETINGS LAW APPENDIX C

Parliamentary Procedure, Quorums and Voting

A. PARLIAMENTARY PROCEDURE GENERALLY

Rules of parliamentary procedure provide the means for orderly and expeditious disposition of matters before a board, commission or council. They govern the way members of a multi-member body interact with each other. As a general proposition, those procedural guides only affect substantive policy development or third-party interests indirectly and do not have the force of law. They may be waived, modified or disregarded without affecting the validity of the agency's decisions.

Public bodies, therefore, have great flexibility to determine their own rules of parliamentary procedure without fear that irregularities or errors will lead to judicial invalidation of their actions. When making or applying rules of parliamentary procedure, a board, commission or council is limited only by (i) any constitutional or statutory requirements, (ii) rights of third parties which may be affected, and (iii) judicial interpretations of constitutional and statutory rights.

Parliamentary procedure for a multi-member body guides all agency decision-making processes, including deliberations following a contested case or rulemaking hearing and deliberation leading to an advisory recommendation on a matter of public policy to another public body.

To facilitate decision-making, a simplified and flexible approach to parliamentary procedure is helpful. The author of one text on parliamentary procedures believes that "stressing a more straightforward and open procedure for meetings eliminates the parliamentary impasses that appear to follow when too much attention is given to parliamentary intrigue and manipulation."¹ He has, for example, eliminated the "seconding" of motions because it is "largely a waste of time."² This warning against blind adherence to parliamentary rules is echoed by the author of another text who admonishes that "[t]echnical rules should be

¹ R. KEESEY, MODERN PARLIAMENTARY PROCEDURE XV-XVI (Preface) (1994).

² *Id.* at 21.

used only to the extent necessary to observe the law, to expedite business, to avoid confusion, and to protect the rights of members."³

H. ROBERT, ROBERT'S RULES OF ORDER Newly Revised is perhaps the most commonly known and used parliamentary authority. However, A. STURGIS, STURGIS STANDARD CODE OF PARLIAMENTARY PROCEDURE (2d ed 1966) is more easily read and less technical. The Oregon House and Senate rely on P. MASON, MANUAL OF LEGISLATIVE PROCEDURE (1989). Any of these texts could be adopted by reference to guide board, commission or council deliberations. A simple motion such as the following is sufficient for this purpose:

Except as otherwise provided by law and except where the (insert title of board or commission) directs or acts to the contrary, (insert title and edition of a parliamentary reference book) shall govern parliamentary processes of this public body.

Alternatively, a board, commission or council might adapt some of the rules to suit its particular needs and convenience, and adopt a standard text as a "back-up" resource.

B. QUORUMS AND VOTES

Statutes, not parliamentary procedure, specify quorums and voting requirements. The quorums and voting requirements of Oregon state boards, commissions or councils are governed by general law, ORS 174.130, or by special statutes. General authority to adopt rules to govern their proceedings is not sufficient authority for boards, commissions or councils to write a rule contrary to ORS 174.130 or special statutes of similar import. However, a state agency with authority to create a board, commission or council, establish its duties, its structure, and, in short, determine its very existence, may provide by administrative rule what constitutes a quorum and thus release its board, commission or council from the rigors of ORS 174.130.⁴

1. General Law

ORS 174.130 provides:

³ A. STURGIS, STURGIS STANDARD CODE OF PARLIAMENTARY PROCEDURE 8 (2d ed 1966).

⁴ Letter of Advice dated January 16, 1985, to Jeffrey Milligan, Executive Director, Juvenile Services Commission (OP-5763).

Parliamentary Procedure for Motions ³

The City of Yachats has adopted Modern Parliamentary Procedure by Ray E. Keesey (Barnes and Noble, 1984 edition) as its procedural guide for deliberation and decision making, subject to charter and ordinance provisions.

General consent may be used for ordinary and special motions such as:

1. to adjourn
2. to recess
3. to close deliberation
4. to postpone
5. to refer
6. to withdraw, reconsider, or rescind

For **Main Motions** such as requests for action, policy changes, appointments, etc use the following: PARLIAMENTARY PROCEDURE FOR MOTIONS

After a motion has been made the presiding officer:

1. Asks for a consensus of the motion (to see if the motion is understood by the entire commission).
2. Invites discussion (from the commission).
3. Restates the motion in its final form (the minutes taker can repeat the motion).
4. Asks for the affirmative vote followed by the negative vote.
5. Announces the result of the voting and adds any necessary information to interpret or to effect the decision.

³ Parliamentary Procedure outline approved by City Council 9-94

Parliamentary Procedure for Meetings

Robert's Rules of Order is the standard for facilitating discussions and group decision-making. Copies of the rules are available at most bookstores. Although they may seem long and involved, having an agreed-upon set of rules makes meetings run easier. *Robert's Rules* will help your group have better meetings, not make them more difficult. Your group is free to modify them or find another suitable process that encourages fairness and participation, unless your bylaws state otherwise.

Here are the basic elements of *Robert's Rules*, used by most organizations:

1. **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that.....") A second motion must then also be made (raise your hand and say, "I second it.") After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or quorum as specified in your bylaws.)
2. **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
3. **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
4. **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
5. **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
6. **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.
7. **Adjourn:** A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

Note: If more than one motion is proposed, the most recent takes precedence over the ones preceding it. For example if #6, a motion to table the discussion, is proposed, it must be voted on before #3, a motion to amend, can be decided.

In a smaller meeting, like a committee or board meeting, often only four motions are used:

- To introduce (motion.)
- To change a motion (amend.)
- To adopt (accept a report without discussion.)
- To adjourn (end the meeting.)

Remember, these processes are designed to ensure that everyone has a chance to participate and to share ideas in an orderly manner. Parliamentary procedure should not be used to prevent discussion of important issues.

Board and committee chairpersons and other leaders may want to get some training in meeting facilitation and in using parliamentary procedure. Additional information on meeting processes, dealing with difficult people, and using **Robert's Rules** is available from district office staff and community resources such as the League of Women Voters, United Way and other technical assistance providers. Parliamentary Procedure at a Glance, by O. Garfield Jones, is an excellent and useful guide for neighborhood association chairs.

Tips in Parliamentary Procedure

The following summary will help you determine when to use the actions described in **Robert's Rules**.

- **A main motion must be moved, seconded, and stated by the chair before it can be discussed.**
- **If you want to move, second, or speak to a motion,** *stand and address the chair.*
- **If you approve the motion as is,** *vote for it.*
- **If you disapprove the motion,** *vote against it.*
- **If you approve the idea of the motion but want to change it,** *amend it or submit a substitute for it.*
- **If you want advice or information to help you make your decision,** *move to refer the motion to an appropriate quorum or committee with instructions to report back.*
- **If you feel they can handle it better than the assembly,** *move to refer the motion to a quorum or committee with power to act.*
- **If you feel that there the pending question(s) should be delayed so more urgent business can be considered,** *move to lay the motion on the table.*
- **If you want time to think the motion over,** *move that consideration be deferred to a certain time.*
- **If you think that further discussion is unnecessary,** *move the previous question.*
- **If you think that the assembly should give further consideration to a motion referred to a quorum or committee,** *move the motion be recalled.*
- **If you think that the assembly should give further consideration to a matter already voted upon,** *move that it be reconsidered.*
- **If you do not agree with a decision rendered by the chair,** *appeal the decision to the assembly.*
- **If you think that a matter introduced is not germane to the matter at hand,** *a point of order may be raised.*
- **If you think that too much time is being consumed by speakers,** *you can move a time limit on such speeches.*
- **If a motion has several parts, and you wish to vote differently on these parts,** *move to divide the motion.*