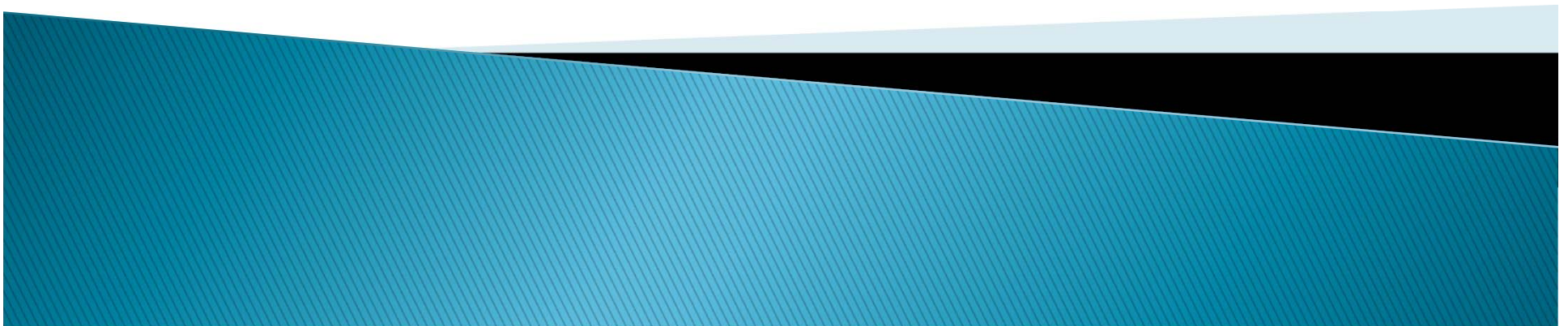


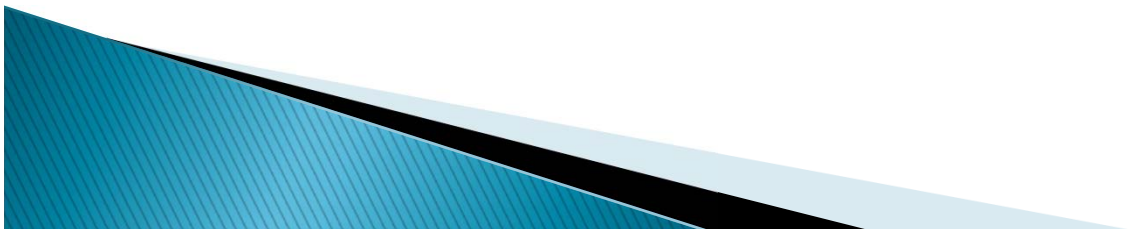
# Parliamentary Procedure Guidelines

Donna Miller, Former Trustee,  
North Orange County Community College District;  
Retired Speech Communication Professor, Cerritos College

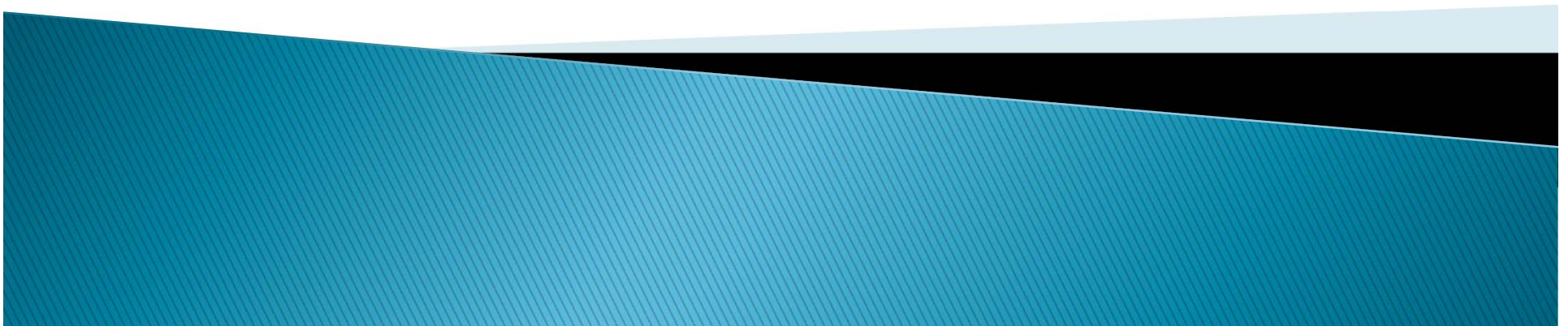


# Parliamentary Procedure

- ▶ Allows everyone to be heard
- ▶ Helps make decisions without confusion
- ▶ It means
  - democratic rule
  - flexibility
  - protection of rights
  - a fair hearing for everyone
- ▶ Adapt to fit the needs of any organization

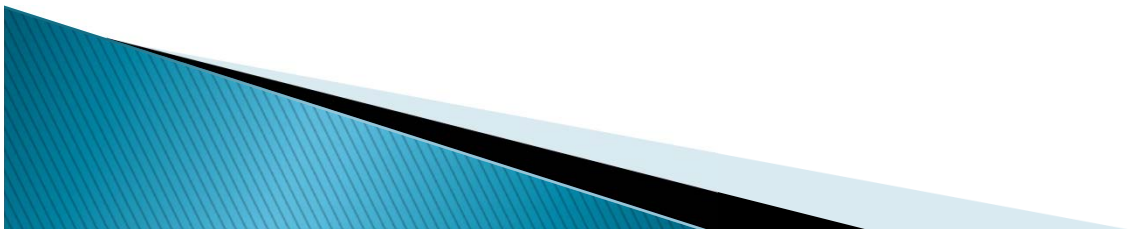


- I. Basic rules and important parliamentary procedures
- II. Board Chair guidelines
- III. Parliamentary procedure for difficult situations
- iv. Guidelines for public access to the Board
- v. Developing agendas and a Board calendar



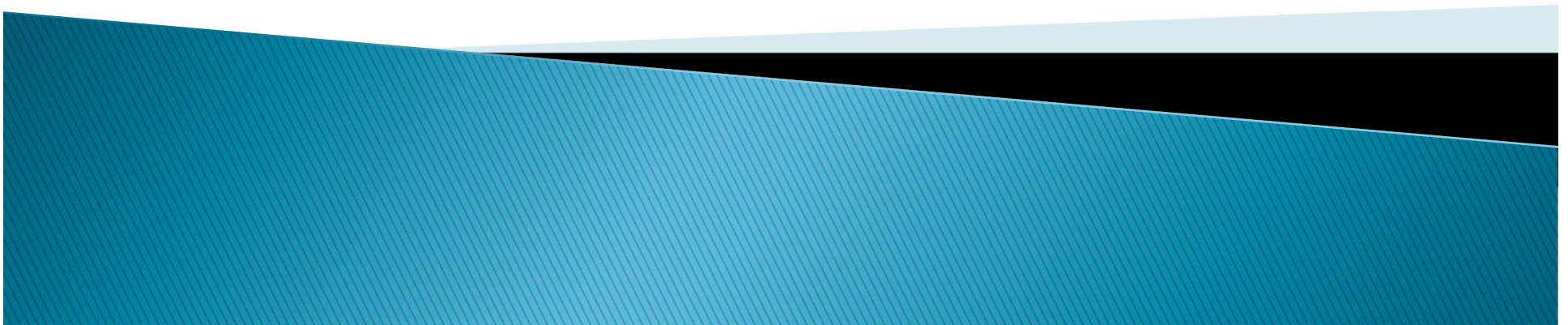
# I. Basic Parliamentary Procedure: What Questions to Ask?

- ▶ May you interrupt the speaker?
- ▶ Do you need a second?
- ▶ Is the motion debatable?
- ▶ Can the motion be amended?
- ▶ What vote is needed?
- ▶ Can it be reconsidered?



# Debate / Deliberation

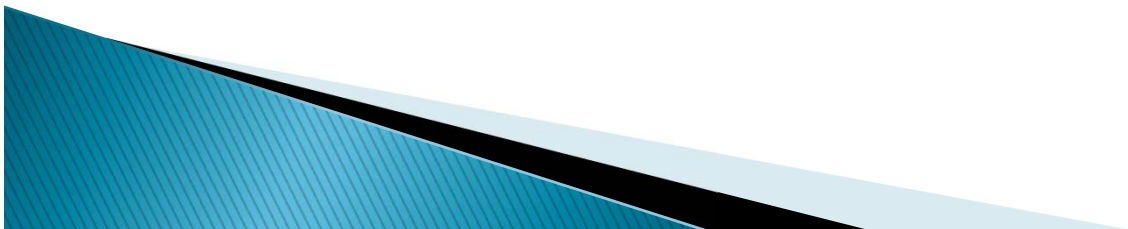
- Must allow debate on most motions
- Cannot vote on a motion without an opportunity to discuss (Some exceptions)
- Chair should make sure everyone has the opportunity to speak before a person speaks more than once



# How Do I Bring Something to the Table?

“I move .....

- ▶ Must be recognized by the Chair to make a motion
- ▶ It may not interrupt a speaker
- ▶ It requires a second
- ▶ It is debatable
- ▶ It can be amended
- ▶ It requires a majority
- ▶ It can be reconsidered



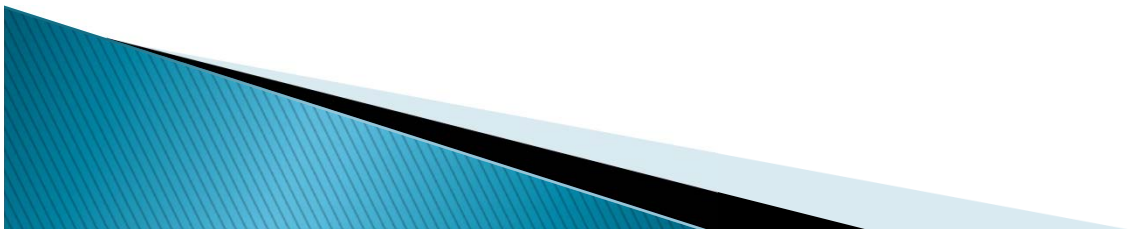
# How Do I Change a Motion?

“I move to amend the motion”

- ▶ It may not interrupt the discussion
- ▶ Must be germane to the original motion
- ▶ It requires a second
- ▶ It is debatable
- ▶ It is amendable
- ▶ It requires a majority
- ▶ A “friendly amendment” is one that is made and there is no objection—just general consent
- ▶ It can be reconsidered

# How do I amend an amendment?

- ▶ Is called a “secondary amendment”
- ▶ It must be germane to the primary amendment
- ▶ A secondary amendment cannot be amended
- ▶ Is out of order when another has the floor
- ▶ It requires a second
- ▶ It is debatable when the motion to which it applies is debatable
- ▶ It requires a majority
- ▶ It can be reconsidered





# What is a “friendly” amendment?

- ▶ Generally made to improve the main motion “presumably to the satisfaction of its maker”
- ▶ It must be open to debate whether or not the maker of the main motion accepts the amendment
- ▶ It must be open to debate and voted on formally (unless there is unanimous consent/no objection)



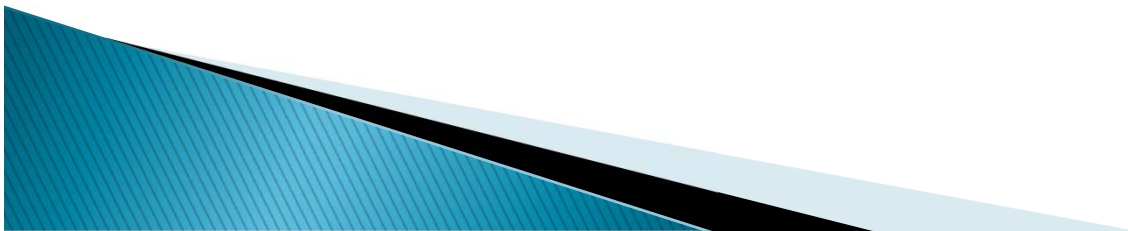
# How do we divide/split a motion?

- ▶ It can be done if a motion on a single subject contains several parts each of which is capable of standing as a complete proposition if the others are removed
- ▶ Takes precedence over the main motion
- ▶ Is out of order when another has the floor
- ▶ Must be seconded
- ▶ Is not debatable
- ▶ Is amendable
- ▶ Requires a majority vote
- ▶ Cannot be reconsidered



How does your Board handle the previous items?

Which of these do you think is particularly important?



# How Do I Move Discussion Forward if There is a Problem?

## Six Strategies:

- ▶ Table the Motion
- ▶ Refer the Item to Committee
- ▶ Postpone the Motion to a Certain Time
- ▶ Limit (or Extend) Debate
- ▶ Postpone the Motion Indefinitely
- ▶ Request to withdraw a motion

# 1. Table the Motion

“Postpones the Motion to a Future Time”

- ▶ It may not interrupt
- ▶ It requires a second
- ▶ It is not debatable
- ▶ It is not amendable
- ▶ It requires a majority
- ▶ It cannot be reconsidered
- ▶ To reverse the action, move to take the action from the table

## 2. Refer the Motion to a Committee

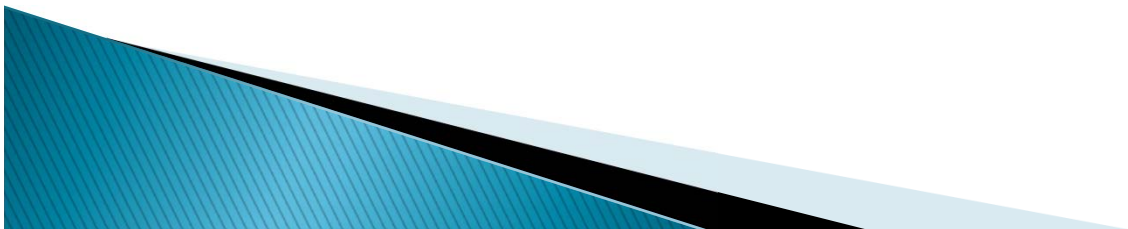
“It stops discussion and refers the item to a committee to report back”

- ▶ It may not interrupt
- ▶ It requires a second
- ▶ Takes precedence over the main motion
- ▶ It is debatable
- ▶ It is amendable
- ▶ It requires a majority vote
- ▶ Can be reconsidered if the committee has not begun to meet

### 3. Postpone to a Certain Time

“Essentially tables the item but to a specific time”

- ▶ It may not interrupt a speaker
- ▶ It requires a second
- ▶ Takes precedence over the main motion
- ▶ It is debatable
- ▶ It may be amended
- ▶ It requires a majority
- ▶ Can be reconsidered if the postponement passed



## 4. Move to Limit Debate

“Sets a specific time for the debate to end”

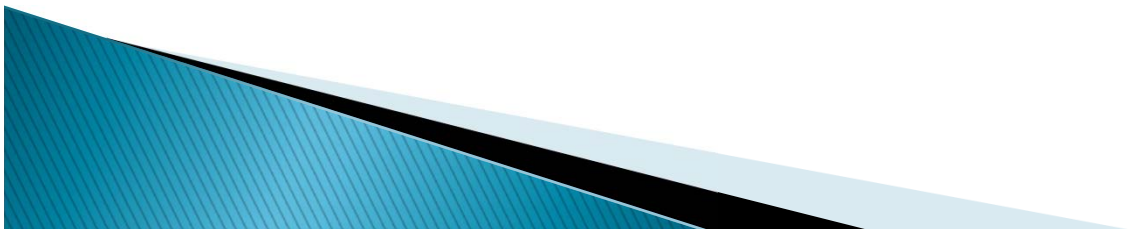
- ▶ It may not interrupt
- ▶ It requires a second
- ▶ It is not debatable
- ▶ It is amendable
- ▶ It requires a 2/3's vote
- ▶ Can be reconsidered at any time before the order limiting debate is exhausted



## 5. Postpone Indefinitely

“Essentially kills the motion”

- ▶ It may not interrupt
- ▶ It requires a second
- ▶ It is debatable
- ▶ It may not be amended
- ▶ It requires a majority
- ▶ An affirmative vote can be reconsidered

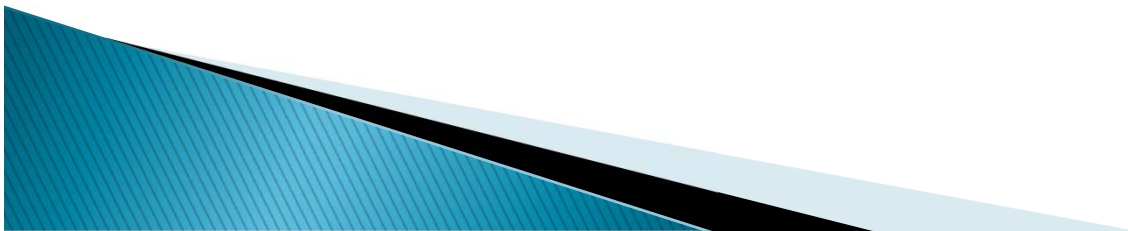


# 6. Request to Withdraw a Motion

- Is made by the original maker of the motion
- Permission is needed only if the Chair says the motion is pending
- The Chair first says that if there is no objection, the motion is withdrawn
- If there is an objection, someone may make a motion to grant permission
- Does not require a second if the motion is made by someone other than the original maker of the motion
- Is not debatable and requires a majority vote
- If a motion is withdrawn, it could be made again

How does your Board handle the previous items?

Which of these do you think is particularly important?



# What do we do if we Change Our Mind at the Meeting?

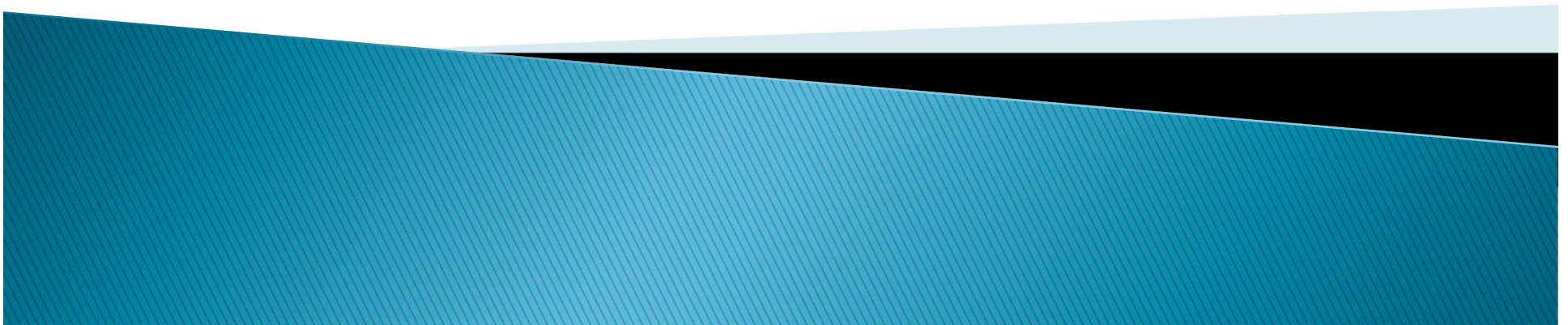
## “Move to Reconsider a Motion”

- ▶ May not interrupt a speaker
- ▶ Requires that the maker of the motion voted for the original motion
- ▶ Requires a second
- ▶ Must be made at the same meeting as the original motion
- ▶ Is debatable if the motion to which it applies is debatable
- ▶ Is not amendable & cannot be reconsidered
- ▶ Requires a majority vote

# What do we do if we Change our Mind at a Future Meeting?

## “Move to Rescind”

- Can amend something that was previously adopted
- Can repeal an item
- No prevailing side requirement
- Debatable
- 2/3 majority or majority with Brown Act notice
- Invalid if some action/contract already started
- A negative vote can be reconsidered but not a positive



# How Do I Close Debate?

## “Move the previous question”

- ▶ May not interrupt a speaker
- ▶ Requires a second
- ▶ Is not debatable or amendable
- ▶ Requires a 2/3 vote
- ▶ Can be reconsidered before a vote is taken
- ▶ What is “call for the question?”

# How Do I Make Sure We Follow the Rules?

## “Raise a Point of Order”

- ▶ May interrupt a speaker
- ▶ Does not require a second
- ▶ Is not debatable
- ▶ Does not require a vote unless the ruling by the Chair is appealed
- ▶ Cannot be reconsidered
- ▶ An appeal of the decision of the Chair requires a second, is not amendable, ability to debate varies and requires a majority vote

# What If We Want to Suspend the Rules?

- ▶ May not interrupt a speaker
- ▶ Requires a second
- ▶ Is not debatable
- ▶ May not be amended
- ▶ Requires a 2/3 vote
- ▶ Cannot be reconsidered



# Appeal the Decision of the Chair

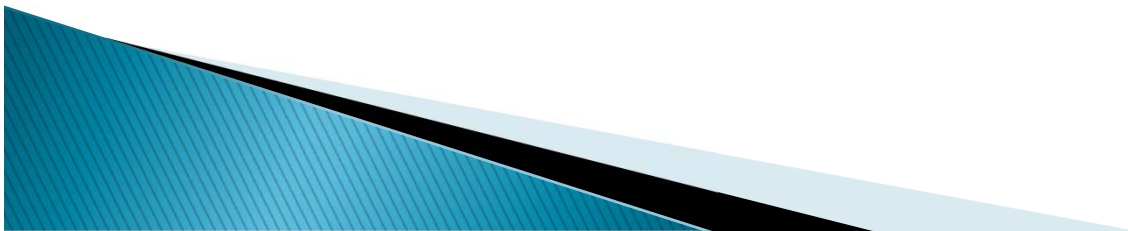
- Questions a ruling by the Chair
- Motion can be made by any member
- Requires a second
- Ability to debate varies
- Chair can comment
- Majority or tie sustains the decision of the Chair
- Can be reconsidered

# Object to Consideration

- Should only be made when it is “strongly undesirable” for the motion to be considered
- Must be made before discussion
- Does not require a second
- Is not debatable or amendable
- Requires a 2/3 vote
- A negative vote can be reconsidered

How does your Board handle the previous items?

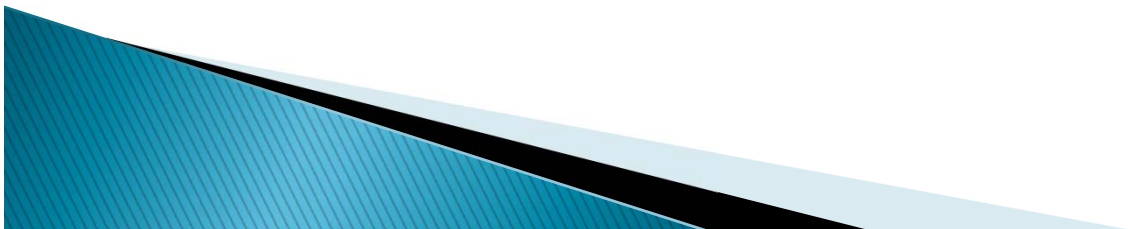
Which of these do you think is particularly important?



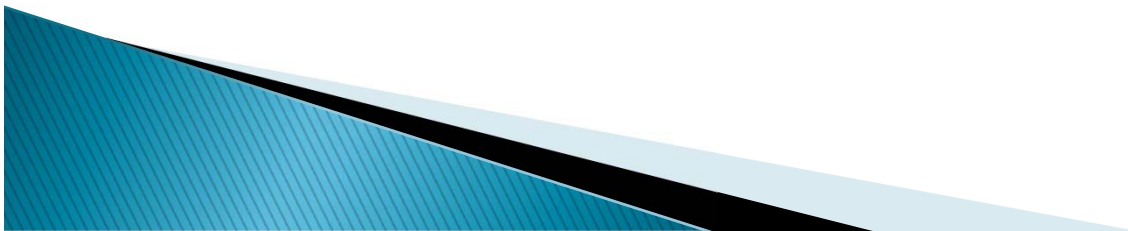
## II. GUIDELINES FOR THE BOARD CHAIR

- Begin meetings on time
- Require that a motion be made before discussion begins
- Recognize people equally
- Be as neutral as possible—Let others speak before you speak on an item
- Comments should be directed to the Chair
- If necessary, remind people to keep their comments to the agenda item

- Be impartial & unbiased in the conduct of the meeting
- Recognize that the leader has near absolute authority & should assure efficient meetings and effective decision making
- Support the rights and privileges of all members
- Has the authority to enforce established limitations on procedures such as the number of speeches & the amount of time spent on a subject
- Is responsible for maintaining order using appropriate parliamentary procedures



From your experience, do Board Chairs generally follow these guidelines??



### III. Parliamentary Procedures for Difficult Situations

“All persons present at a meeting have an obligation to obey the legitimate orders of the Chair”

- “In dealing with any case of disorder, the Chair should maintain a calm, deliberate tone—although the Chair may become increasingly firm if the situation demands it.”
- “If an offense is serious, such as when a member repeatedly questions the motives of other members by name or persists in speaking on completely irrelevant matters, the Chair should warn the member and then has the authority to declare the member out of order and direct them to discontinue speaking” (RR of O, 2000)

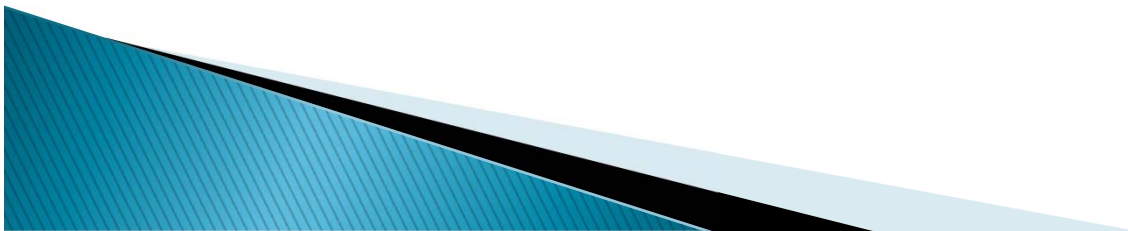
- In extreme cases, the body can vote to sanction or penalize a violating member
  - If a person is declared out of order by the Chair, the person can appeal the decision of the Chair
- ✓ *This takes precedence over any other question*
  - ✓ *Must be seconded*
  - ✓ *Is not debatable if it relates to indecorum or transgression of the rules of speaking*
  - ✓ *Is not amendable*
  - ✓ *A majority or tie vote sustains the decision of the Chair*
  - ✓ *It can be reconsidered*



# The Body Can Vote to Limit Debate (and the Chair can suggest this as appropriate)

- Requires a second
- Is not debatable
- Is amendable
- Requires a 2/3 vote
- Can be reconsidered

Which of these would you find most useful??



## **IV. Guidelines for Public Access to the Board: Create an Environment that is Welcoming for Community Input**

- ▶ **KNOW WHAT IS REQUIRED AND HOW BEST TO ALLOW COMMUNITY INPUT**
- ▶ **THE CALIFORNIA EDUCATION CODE – Meeting Procedures**
  - Education Code section 72121.5 allows public comment on matters not on the agenda at a regular board meeting as long as no action is taken.
  - Matter may be placed on the agenda of a later meeting.

# What Public Comment and/or Conduct is Permissible?

- ▶ The public may address the Board regarding items on the agenda at the time each item is considered or do all public comments at the same time
- ▶ The Board may limit speech by time, place and manner, but not by content (unless outside the purview of the Board)
- ▶ The Board shall adopt reasonable regulations to carry out this intent (For example, 3 minutes per comment/ a total of 20 minutes)

- ▶ Trustees may briefly respond to public comments or questions (typically for information; not to express a Trustee's views)
- ▶ Public comments should be concluded prior to Board discussion and should not continue in the meeting process
- ▶ Board cannot impose barriers to public access to meetings



# Public Rights

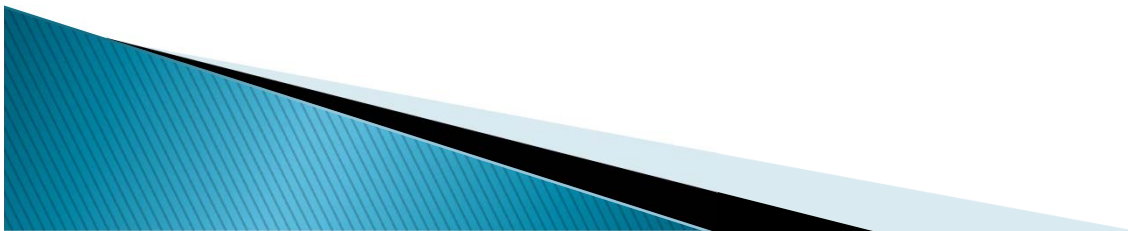
- ▶ The Board may not prohibit an individual from criticizing the policies, procedures, programs or services of the district
- ▶ The public may also criticize Board members or district employees-such conduct is generally within a citizen's constitutional rights

# Public Rights:

## Comments or conduct by the public that disrupts the meeting can be restrained

- ▶ Penal Code section 403 prohibits acts that disturb or break up a lawful assembly or meeting
- ▶ *McMahon v. Albany S.D.* (2002) 104 Cal.App.4th 1275:  
“His conduct of dumping gallons of garbage on the floor of a schoolroom during a school board meeting was sufficient to support an arrest for disturbing a public meeting and was not speech protected by the First Amendment.”

Does your Board generally follow these guidelines??





## V. Guiding Principles for Developing Agendas

- ▶ Agendas can cause or solve problems
- ▶ Busy agendas allow for the mundane to drive out the important; the focus is lost.
- ▶ Minor issues gain as much importance as significant issues.

# DEVELOPING AGENDAS

- The agenda is driven and created by the District
- A request by a single Board member to place an item on a future agenda should be approved by a majority of the Board
- Create a clear, written process by which items are submitted to the administration to be placed on the agenda
- Reduce the type of items that must come to the Board

# EXAMPLES OF STREAMLINING THE AGENDA

- Increased the amount for food purchases for meetings/events to \$5,000
- Board approval is no longer required for out of state field trips
- List of account transfers restricted to those \$10,000 or more
- Amount for approving consultants raised from \$15,000 to \$25,000

# North Orange Guidelines

- ▶ Goal is for meetings to end by 7:30  
(We begin at 5:30)
- ▶ Board members submit agenda questions by 10:00 a.m. on Monday
- ▶ Board members re-ask questions only in exceptional circumstances

# North Orange Guidelines (cont.)

- ▶ Enforce the 3 minute time limit for public comments
- ▶ Restrict Board comments to items relating to the District
- ▶ Chancellor's Reports limited to 10 minutes
- ▶ President's reports once a month

# CREATE A BOARD CALENDAR TO ENSURE THAT ITEMS ARE REGULARLY ADDRESSED

- Consider including this in every Board agenda & backup book
- Include regular & routine items
- Add significant items as appropriate (Monthly/quarterly accreditation updates; updates by specific committees such as long-term liabilities, Master Plan, etc.)

Which of these ideas do you find helpful?

What suggestions/advice would you offer based upon your process??



# Final Tips

- ▶ The *rules* of parliamentary procedure are meant to help, not to hinder.
- ▶ *Make* a motion before discussion begins.
- ▶ *Retain* control of the meeting at all times.
- ▶ *Keep* things as simple as possible.
- ▶ *Respect* the wishes of the majority and protect the rights of the minority.