

Board Procedure Basics for Local Governing Boards

Trey Allen
Clerks Certification Institute
March 2016

What is Parliamentary Procedure?

- **Parliamentary Law:** “[R]ecognized rules, precedents and usages of legislative bodies by which their procedure is regulated. It is that system of rules and precedents that originated in the British Parliament and . . . has been developed by legislative or deliberative bodies in this and other countries.” *Mason’s Manual of Legislative Procedure* §35 (2010 ed.).

What is Parliamentary Procedure? (cont'd)

- **Parliamentary Procedure:**
"[P]arliamentary law as it is followed in any given assembly or organization, together with whatever rules of order the body may have adopted." RONR (11th ed.) p. xxx.

Is This Your Board?



Purposes of Parliamentary Procedure?

- To allow the will of the majority to be determined in an orderly and efficient manner.
- To protect the rights of individual members and minorities, particularly their right to participate in the group's deliberations.
- *Mason's*, § 1.

Sources of Rules



Statutes

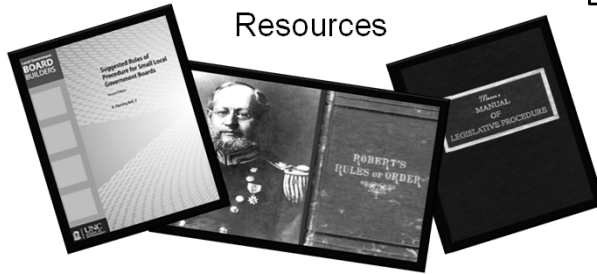
Article 33C.
Meetings of Public Bodies.
Legislative, policy-making, quasi-judicial, administrative, or other public business, it is the public policy of North Carolina that

Local Rules



City Charters
Ordinances
Local Acts

“Fall-back” Resources



Local Rules

G.S. 160A-71(e): The council may adopt its own rules of procedure, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.

G.S. 153A-41: The board of commissioners may adopt its own rules of procedure, in keeping with the size and nature of the board and *in the spirit* of generally accepted principles of parliamentary procedure.

7 Basic Principles

1. The board must act as a body.
2. The board should conduct its business orderly and efficiently.
3. The board must act by at least a majority.
4. Every member should have an equal opportunity to participate.

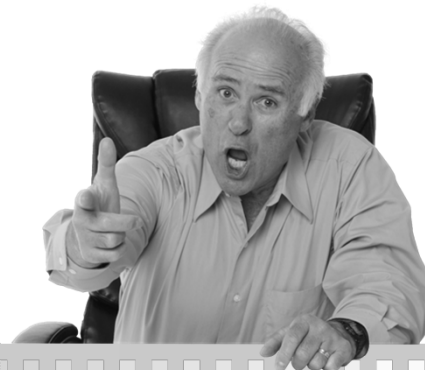
7 Basic Principles (cont'd)

5. Rules of procedure should be followed consistently and uniformly.
6. Decisions should be based on the merits, not on manipulation of the rules.
7. Rules should help, not hinder.

7 Common Problem Areas



1. Setting the Agenda
2. Quorum
3. Considering Motions
4. Handling Debate
5. Voting
6. Postponing / Reviving Matters
7. Adjusting for Type of Meeting



1. Setting the Agenda

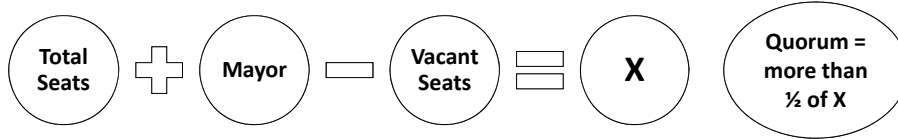
- The board is ultimately responsible for its own meeting agendas
- Preparing a preliminary agenda may be delegated
- A majority of the board can always amend the agenda
- Is there a legal restriction on the subject-matter of the meeting (regular, special, etc.)?



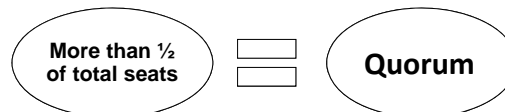
2. Quorum

- Quorum = number of members who must be present for body to conduct business.
- For small bodies, quorum is usually defined as more than half of a body's members.
- What about vacant seats?

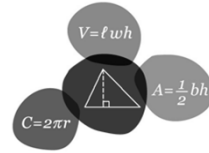
Counting Quorums - Cities



Counting Quorums - Counties



Quorum Math



	Cities	Counties
Vacancies	DO NOT count	DO count
Mayor/Chairman	Counts	Counts
Member steps out unexcused	Still counts	Still counts
Member steps out excused	No longer counts	No longer counts



- What if a member steps out of a meeting?

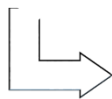


3. Considering Motions

- Only one substantive (main) motion may be pending
- Multiple procedural motions may be pending
- Motion before discussion, or vice versa?
- Are seconds to motions always needed?
- When is a motion out of order?



Motion to table the motion to postpone



- 4th motion: procedural to the 3rd procedural motion

Motion to postpone until the next meeting



- 3rd motion: procedural to the 2nd procedural motion

Motion to amend budget ordinance

- 2nd motion: procedural to the substantive motion

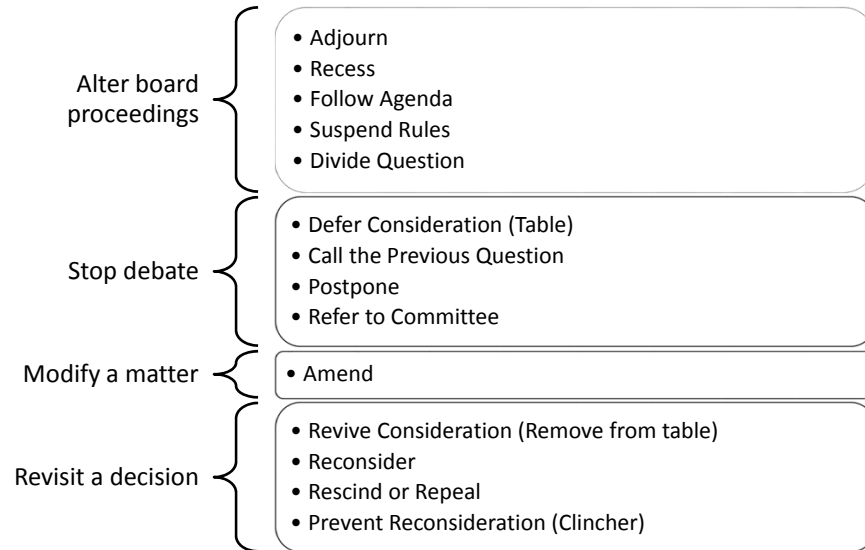


Motion to approve budget ordinance

- 1st motion: substantive motion



Precedence of Procedural Motions



4. Handling Debate

- All members should have a similar opportunity to speak
- The presiding officer may wish to step aside if actively involved
- Extend courtesy to each other and the public in the debate
- “Calling the previous question” cuts off debate
 - requires a vote of the board
 - Debate?



5. Voting

- Usually only a simple majority is required
- Member duty to vote
- How to “count” an unexcused non-vote
- Does the Mayor or Chair vote?
- Record votes in the minutes



Cities

- Special voting requirements in some instances
- Approve ordinance, (or amendment to ordinance), or contract
 - Majority of all members not excused from voting (including mayor if equal division)
- Adopt ordinance on date of introduction
 - 2/3 actual membership – vacant seats
 - Mayor included only if she has right to vote on all questions

Cities

- Assume council votes on ordinance amendment on date of introduction.
 - Council has 7 seats, 2 vacancies
 - Mayor has right to vote on all questions.
 - Vote is 4 in favor, 2 against. Result?

Counties

- Special voting requirements in some instances
- Approve ordinance or action having effect of ordinance on date of introduction
 - Approval of ALL members of BOC
 - Exceptions
- Approve ordinance or action having effect of ordinance at subsequent meeting
 - Majority of votes cast, a quorum being present

Counties

- Assume motion to adopt ordinance on date of introduction
 - 8-member BOC, but 1 vacancy
 - 7 members present, but 1 excused from voting
 - Vote is 6-0 in favor. Result?
- Assume BOC votes on ordinance at meeting following date of introduction.
 - 8-member BOC, but 3 are absent
 - 2 members excused from voting.
 - Vote is 2-1 in favor. Result?

6. Postponing / Reviving Matters

Procedural Options:

- Table (Defer consideration)
- Remove from the table (Revive consideration)
- Prevent reintroduction ('Clincher')
- Postpone to a certain date
- Reconsider
- Rescind or repeal



7. Adjusting for Type of Meeting

- Notice, procedural requirements, and what can be considered may vary depending on type of meeting
 - Regular meeting
 - Special / emergency meeting
 - Quasi-judicial meeting
 - Recessed / adjourned meeting
 - Workshop
- Always check state law for specific requirements!

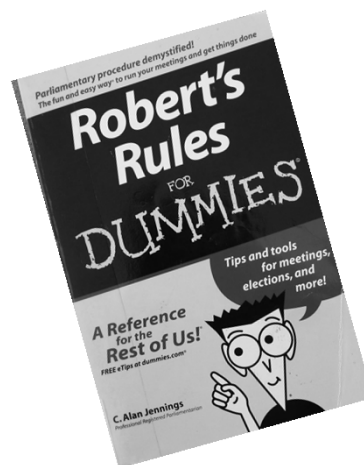
RONR for Small Boards

- Member may raise hand instead of standing when seeking to obtain the floor and may remain seated while speaking.
- Motions need not be seconded
- There is no limit to number of times members may speak to debatable question.
- Informal discussion of subject is permitted while no motion pending.

RONR for Small Boards (cont'd)

- When proposal is perfectly clear to all present, vote may occur without a motion.
- Presiding officer need not rise while putting questions to a vote.
- If presiding officer is a member, she may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.
- RONR (11th ed.), pp. 487-88.

Bottom Line: KEEP IT SIMPLE!



Resources

SOG Publications: www.sog.unc.edu



Questions?

Trey Allen
UNC School of Government
919-843-9019
tallen@sog.unc.edu

