

**PROCEDURAL
RULES
FOR
MUNICIPAL
OFFICIALS**



ARKANSAS MUNICIPAL LEAGUE

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PROCEDURAL RULES FOR MUNICIPAL OFFICIALS

This book has been prepared for the special purpose of aiding the municipal officials of Arkansas in the conducting of meetings of the governing bodies of cities and towns.

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TABLE OF CONTENTS

	Page
Introduction.....	3
I. The Pattern of Meetings.....	4
A. Call to Order	4
B. Roll Call	4
C. Reading of Minutes	5
D. Reports of Committees	5
E. Unfinished Business.....	5
F. New Business.....	6
G. Announcements.....	6
H. Adjournment.....	6
II. How Motions Are Handled	6
A. Addressing the Chair	7
B. Recognition by the Mayor.....	7
C. Proposing a Motion or Resolution	7
D. Seconding Motions.....	7
E. Statement of Motion by the Mayor	8
F. Discussing a Motion.....	8
G. Voting on a Motion	9
III. The Precedence and Classification of Motions	9
A. The Four Classes of Motions	10
1. Main Motions	10
2. Subsidiary Motions.....	10
3. Incidental Motions.....	10
4. Privileged Motions	11
B. Rules of Precedence.....	11
IV. Quorum	12
V. Definitions of Parliamentary Terms.....	13
VI. Principal Rules Governing Motions.....	16

INTRODUCTION

This manual is designed to provide a guide for parliamentary procedure at meetings of city councils, commissions and boards of directors. The rules are few and simple because a council meeting is no place for complex parliamentary procedure. Complex and sophisticated rules of parliamentary procedure would serve only to slow up and complicate the processes of a council meeting, and moderators are well advised to make every effort to keep their rulings simple.

In recent years cities and towns have been called upon to increase the scope of their activities and their services. This means that the business of municipal government, the issues facing council meetings, and the decisions the citizen will be called upon to make in council meetings will be more complicated and more technical. Simple rules of council meeting procedure then become mandatory in order to keep the council meeting business orderly and understandable.

The word "council" is used in its broad sense to include city and town councils, city commissions, boards of directors and all governing bodies.

I. THE PATTERN OF MEETINGS

Councils usually follow a fixed pattern in conducting their meetings. The order is arranged for convenience and enables members to know in advance when each type of business will be considered. The order of business should be provided for in the resolutions or ordinances of the city. The following is merely a suggested order of business and is not required by law:

1. Call to order
2. Roll Call
3. Reading of minutes of the previous meeting
4. Reports of boards and standing committees
5. Reports of special committees
6. Unfinished business
7. New business
8. Announcements
8. Adjournment

There may be deviation from the order of business by a motion to suspend the rules or by general consent. To secure general consent the mayor states that there will be a change in the order of business if no member objects.

Call to Order

Meetings should be called to order promptly at the appointed time. The mayor calls the meeting to order by rapping with his gavel and announcing: "The meeting will please come to order."

Roll Call

Usually the mayor or other presiding officer will not call the meeting to order if a quorum is not present. A majority of the aldermen is a quorum in all cities and towns. In first class cities, the mayor may vote to form a quorum at a regular meeting. In other cities and towns, the mayor may vote to form a quorum at any meeting. The rules may require that the clerk or recorder call the roll. The presiding officer may say: "The clerk will call the roll." When the clerk or recorder calls the roll, he calls the names of the members alphabetically or by wards and concludes by calling, "Mr. or Ms. Mayor."

Reading of Minutes

After the roll call, the reading of the minutes of the previous meeting or meetings is the next item of business.

The mayor may say: "The clerk will please read the minutes of the last meeting."

If the governing body wishes, it may postpone the reading of the minutes to another meeting by majority vote or by unanimous consent unless some member objects.

Many cities and towns mail a copy of the minutes to aldermen prior to meeting, then a verbal reading of the minutes is not required.

Reports of Committees

The mayor next calls upon the chairman of each standing committee and asks if he has a report. The usual order is (1) the chairmen of standing committees in the order in which the committees are named by resolution or ordinance; (2) the chairmen of special committees in the order of their appointment.

Unfinished Business

Following the committee reports, the mayor calls for unfinished business. He may say: "Unfinished business is now in order," or "Is there any unfinished business?"

Unfinished business consists of all business which was pending and undisposed of at the last meeting, as well as any matters which may have been postponed to this particular meeting.

It is the duty of the mayor to present any item of unfinished business that some other member does not present.

New Business

When the unfinished business has been completed, the mayor announces: "New Business is now in order," or "Is there any new business to come before the council?"

This offers an opportunity for members to bring up any motions that they wish to have considered by the governing body. If no new business is presented, and the mayor knows of matters that should be considered, he informs the governing body of these matters and asks if any member wishes to propose a motion covering them.

Announcements

When all members who wish to present motions have done so, the mayor calls for announcements.

If it is possible to confine all announcements to the period set aside for them, rather than to have them presented at various times throughout the meeting, business will be expedited. The mayor first calls upon members who have previously indicated to him that they wish to make announcements. He then asks if there are any other members who have announcements and concludes with his own.

Adjournment

When the business of a meeting appears to be completed, some member should move to adjourn. As soon as a motion to adjourn is proposed, the mayor should put the motion to a vote, and if the motion carries, he announces that the meeting is adjourned. The meeting is not adjourned until formal announcement of its adjournment is made by the mayor.

If no member moved to adjourn, the mayor may suggest that if there is no further business, some member should move to adjourn.

II. HOW MOTIONS ARE HANDLED

The business of a meeting is carried on by means of motions. In a broad sense a motion is a formal statement of a proposal for the governing body to consider and vote upon.

It is well to become familiar with the steps of handling a motion and with their phraseology. Only after these mechanics of a motion become second nature can one concentrate on the content of the motion.

The following are the steps in handling a motion:

1. A member addresses the mayor
2. The mayor recognizes the member
3. The member states his motion
4. Another member seconds his motion
5. The mayor states the motion to the assembly
6. Members may discuss the motion, if debatable
7. The clerk or recorder takes the vote
8. The mayor announces the result

Addressing the Chair

Any member of the council may propose a motion. He may do this at any appropriate time when ever there is no business before the assembly.

To present a motion, a member addresses the presiding officer by his official title; for example: "Mr. or Ms. Mayor."

Addressing the chair is equivalent to requesting permission to present a motion or to discuss a motion already presented.

Recognition by the Mayor

The mayor recognizes a member by calling his name, or by nodding to him, or by designating him in some other way.

As soon as the mayor recognizes a member, that member is entitled to the undivided attention of the council while he proposes or discusses a motion.

Proposing a Motion or a Resolution

A motion is a proposal that the assembly take certain actions. It is always stated in the form:

"I move ..." followed by the proposal to be considered.

This is the correct form for proposing a motion because it definitely establishes, as a motion, the proposal which follows. Such introductory phrases as "I suggest," or "I move you," or "I so move," may get the desired result, but are not good form.

An occasional brief introductory remark may preface a motion, but discussion or debate is usually not permissible until a motion has been stated by the mayor and is before the council for discussion. If it is desirable to have discussion before a motion can be formulated, this may be done by moving that the subject be considered informally.

Seconding Motions

After a member has proposed a motion, it is then in order for another member to second the motion. The seconding member says: "I second the motion."

If the mayor does not hear a second to a motion, he should ask, "Is there a second to the motion that ..." and repeat the motion, since it may be that some of the members have not understood its meaning. If no second is forthcoming, the mayor declares the motion "lost for want of a second."

Seconding a motion means that the seconder wishes to have the motion presented to the assembly for consideration. It does not necessarily imply that

the seconder favors the motion or intends to vote for it. Requirement of a motion and a second is based on the belief that at least two members should be interested in the discussion of a proposition before a motion is presented to the assembly. Some organizations, by special rule, require no seconds.

Routine motions, such as approving the minutes, are frequently stated by the mayor without waiting for a second, unless some member objects. If a member does object, the mayor must call for a second.

In committees and boards, no seconds are required.

Statement of Motion by the Mayor

As soon as a motion has been properly moved and seconded, it is the duty of the mayor to state the motion promptly to the council. Until he has done so, the motion is under the control of its maker and can be withdrawn or modified by him as he wishes. Once the motion has been stated to the council, it is in the possession of the body to do with it as it chooses.

If a motion is proposed in a form which is misleading, vague, or overly complicated, it is the duty of the mayor either to request the member to rephrase his motion or to rephrase it himself. If the mayor rephrases the motion, he should make sure that he does not change its meaning. He should ask the member whether the rephrased motion, as stated to the council, expresses his proposal correctly.

If a motion proposes action which is contrary to law, or to the bylaws or rules, or if it is obviously dilatory (that is, made for the purpose of delaying business) or is completely unsuitable for the consideration of the council, the mayor should rule it out of order. He may say, "The chair rules your motion out of order," and state the reason for so doing.

Discussing a Motion

A member obtains the floor to discuss a motion in the same manner as he does to propose a motion.

Once a member has been recognized for the purpose of discussing a motion, he must be protected in his right to speak, so long as he observes the rules of decorum and confines his remarks to the subject.

Debate is restricted to the measure under consideration, and neither its proposer nor his motives can be discussed. The rules of debate require that all discussion be impersonal and that it be addressed to the presiding officer.

Voting on a Motion

When it appears that all members who wish to discuss the question have done so, the mayor may inquire: "Is there any further discussion?" or "Are you ready for the vote?"

This query gives notice that debate is about to close, and that if any member wishes to claim the floor, he should do so immediately.

The mayor should ignore calls of "Question!" from the floor, for no member has a right to try to force an immediate vote in this manner.

If no one claims the floor, the mayor, after a pause, puts the question to vote.

The announcement of the vote by the mayor is the last step in the production line which has carried the motion from its introduction by an individual member to its disposal by vote of the council or governing body.

III. THE PRECEDENCE AND CLASSIFICATION OF MOTIONS

The rank of motions, which is called "precedence," keeps the business of the meeting going with efficiency, and every motion is attended to in its proper turn. The order of precedence of motions is based on the degree of their urgency; and it is logical and easy to understand. The following is a list of the more important motions, arranged in the order of their precedence:

Order of Precedence

1. Adjourn
 2. Recess
 3. Question of privilege
 4. Postpone temporarily ("lay on the table")
 5. Vote immediately ("previous question")
 6. Limit debate
 7. Postpone definitely
 8. Refer to committee
 9. Amend
 10. Postpone indefinitely
 11. The general main motion
- Number 11 is the main motion
Numbers 4-10 are subsidiary motions
Numbers 1-3 are privileged motions

The Four Classes of Motions

1. Main Motions

This group is made up of motions which bring subjects (as contrasted with procedural questions) before the council for decision. These motions constitute the principal business of a meeting. They are the most important of all motions because they bring the main business before the meeting.

2. Subsidiary Motions

This group is made up of seven motions which are alternative methods of changing or disposing of the main motion. Their name derives from the fact that they are subsidiary to the main motion and, therefore, can be proposed only when a main motion is before the council.

If a main motion is pending and some members do not wish to vote on it directly at the time, they have several choices as to how the motion may be modified or disposed of. For example, one member may believe that it is an unsuitable motion for the council to consider and may move to postpone it indefinitely. Another may think that the motion should be changed so that it conforms more closely to the ideas of the council and may move to amend it.

3. Incidental Motions

The motions of this group arise incidentally out of the business that is before the council. In general, they are concerned with the rights and privileges of members. They have only a few characteristics in common.

The purpose of this group of motions is to handle procedural problems which arise out of the consideration of other questions. These problems, naturally, must be settled before consideration can be given to the question out of which they arise.

Incidental motions are not included in the list of precedence because they may be proposed at any time and must be decided whenever they arise. Therefore, they present no problem of precedence.

The important incidental motions are:

Appeal

Point of order

Parliamentary inquiry

Suspend rules

Withdraw a motion

Object to consideration

Division of a question

Division of the assembly

Many additional motions may arise incidentally during the discussion of another motion. Examples of motions that may arise incidentally are: motion to excuse a member from voting; to consider a resolution paragraph by paragraph; to close nominations.

4. Privileged Motions

This small group is composed of motions which are so important that they are given privileges not accorded to other motion. They are, in effect, main motions that, because of their urgency, must be decided before the pending question. They relate to the members and to the council rather than to the main motion.

Rules of Precedence

The chief purpose of dividing motions into four groups is to determine their rank or precedence. This rank is fixed and definite and is based on logical reasoning. It is simple to understand and to apply.

It is not necessary to memorize the precedence of the 11 important motions. Practice in using them will soon fix their rank in your mind because their order is so logical that they could not be effectively arranged in any radically different way.

There are two important rules of precedence:

1. When a motion is pending, any motion of a higher rank may be proposed, but no motion of lower rank is in order. The motion to adjourn (No. 1) has the highest rank, and a main motion (No. 11) has the lowest. If a main motion (No. 11) is pending, any motion of higher rank (No. 10 to 1) can be proposed. If No. 8 is pending, No. 7 to No. 1 can all be proposed, but No. 9 or No. 10 cannot.

2. Motions are considered and voted upon in inverse order to the order of their proposal, the last one proposed being considered and disposed of first. For example, if motions No. 11, 10, 7 and 2 were proposed in that order, they would be considered and voted upon in the following order: No. 2, 7, 10 and 11.

IV. QUORUM

A quorum is one necessary ingredient for a meeting. What is a quorum? A quorum is the minimum number of the members that must be present at a meeting in order to transact business legally. Before a mayor calls a council meeting to order, he should be reasonably sure that a quorum is present. If a quorum is not present, all the group can do is fix a time for another meeting and adjourn.

A majority of the council is a quorum. In first class cities, the mayor may vote to form a quorum at a regular meeting. In other cities and towns, the mayor may vote to form a quorum at any meeting.

V. DEFINITIONS OF PARLIAMENTARY TERMS

ADJOURN: To terminate a meeting officially.

ADOPT: To approve, to give effect to.

ADOPT A REPORT: The formal acceptance of a report. Adoption commits the council to everything included in the report.

AFFIRMATIVE VOTE: A “yes” vote to a question before a council; an agreement to its acceptance.

AGENDA: The official list of business to be considered at a meeting.

AMEND: To change, by adding, deleting, or substituting works or provisions.

ANNUL: To void or cancel an action previously taken.

APPEAL: A decision of the presiding officer may be appealed from. An appeal requires that the decision be referred to the council for its determination by a vote.

COMMON LAW: Law developed by court decisions. Judge-made law.

DEBATABLE: Capable of being discussed.

DIVISION OF QUESTION: Separation of a main motion into two or more independent parts, each of which is capable of standing alone.

GENERAL CONSENT: An informal method of disposing of routine and generally favored proposals by the chairman assuming the group’s approval, unless objection is raised. Also called “unanimous consent.”

INCIDENTAL MOTIONS: Motions relating to questions that arise incidentally out of the business, or order or manner of considering the business of a council.

LAY ON THE TABLE: To postpone a motion until a later, but as yet undetermined, time.

LIMIT DEBATE: To place restrictions on the time to be devoted to debate on a question or the number of speakers or the time allotted each.

MAIN MOTION: A motion presenting a subject to a council for discussion and decision.

NEW BUSINESS: Any business other than unfinished or "old business" that may properly be brought before a council.

OBJECT TO CONSIDERATION: To oppose discussion and decision of a main motion.

ORDER OF BUSINESS: The formal program of sequence of different items or classes of business arranged in the order in which they are to be considered.

ORDINANCE: Law made by the legislative body of a municipality.

PENDING QUESTION: A question, or motion, before the council which has not yet been voted upon.

POSTPONE DEFINITELY: To defer consideration of a motion or report until a specific time.

POSTPONE INDEFINITELY: To kill a motion or report by deferring consideration of it indefinitely.

POSTPONE TEMPORARILY: To defer consideration of a report or motion until the council chooses to take it up again. The old form of the motion was "lay on the table."

PRECEDENCE: The right of prior proposal and consideration of one motion over another, or the order or priority of consideration.

PRIVILEGED MOTIONS: The class of motions having the highest priority.

QUESTION OF PRIVILEGE: Request or motion affecting the comfort or convenience of the council or one of its members.

RECONSIDER: Motion to cancel the effect of a vote so that the question may be reviewed and redecided.

REFER TO COMMITTEE: Motion to delegate work to a small group of members for study, decision or action.

RESUME CONSIDERATION: To take up for consideration a motion that has been postponed temporarily. The old form of the motion was "take from the table."

SPECIAL COMMITTEE: A committee appointed to

accomplish a particular task and to submit a special report. It ceases to exist when its task is completed.

SPECIAL MEETING: A meeting called to consider certain specific business that must be set forth in the call.

STANDING COMMITTEE: A committee to handle all business on a certain subject that may be referred to it, and usually having a term of service corresponding to the term of office of the officers of the organization.

UNFINISHED BUSINESS: Any business deferred by a motion to postpone to a definite time, or any business that was incomplete when the previous meeting adjourned. Unfinished business has a preferred status at the following meeting.

VIVA VOCE VOTE: A vote taken by calling for "ayes" and "noes" and judged by volume of voice response. Sometimes called "voice vote."

VOTE IMMEDIATELY: Motion to close debate, shut off subsidiary motion and take a vote at once.

WITHDRAW: Motion by a member to remove his motion from consideration by the council.

VI. PRINCIPAL RULES GOVERNING MOTIONS

Order of precedence	Can interrupt speaker?	Requires a second?	Debatable?	Amendable?	Vote required?
I. Privileged Motions					
1. Adjourn	no	yes	no	no	majority
2. Recess	no	yes	no	yes	majority
3. Question of privilege	yes	no	no	no	no vote
II. Subsidiary Motions					
4. Postpone Temporarily	no	yes	no	no	majority
5. Vote Immediately	no	yes	no	no	two-thirds
6. Limit Debate	no	yes	no	yes	two-thirds
7. Postpone Definitely	no	yes	yes	yes	majority
8. Refer to Committee	no	yes	yes	yes	majority
9. Amend or Substitute	no	yes	yes	yes	majority
10. Postpone indefinitely	no	yes	yes	no	majority
II. Main Motions					
11. General Main Motion	no	yes	yes	no	majority
II. Incidental Motions					
12. Appeal	yes	yes	yes	no	tie or majority
13. Point of Order	yes	no	no	no	no vote
14. Parliamentary Inquiry	yes	no	no	no	no vote
15. Withdraw a Motion	no	no	no	no	no vote
16. Suspend Rules	no	yes	no	no	two-thirds
17. Object to Consideration	yes	no	no	no	two-thirds neg.
18. Division of a Question	no	no	no	no	no vote
19. Division of Assembly	yes	no	no	no	no vote

