

CITIZEN'S GUIDE TO EFFECTIVE CONDUCT OF PUBLIC MEETINGS USING PARLIAMENTARY PROCEDURE AND ROBERT'S RULES OF ORDER IN WASHINGTON STATE



© City of Mountlake Terrace, Washington. Used by permission.

This guide has been prepared to assist citizens and residents who want to know the expectations for public meetings under parliamentary procedure and Robert's Rules of Order in Washington State. We use the example of a city council; these questions are also relevant to other local government bodies such as county commissions, school boards, special districts, etc. We are parliamentarians and nothing in this guide constitutes legal advice.

John Berg, PRP
Kevin R. Connelly, PRP, CP
Ann G. Macfarlane, PRP
K. Ann McCartney, PRP, CP-T
Paul McClintock, PRP, CP-T
Weldon L. Merritt, PRP, CPP
Beverly Przybylski, PRP
Mary L. Randolph, PRP, CPP-T
Matthew J. Schafer, PRP

Table of Contents

| | |
|---|----|
| INTRODUCTION..... | 3 |
| I. PARLIAMENTARY PROCEDURE..... | 4 |
| II. PRESIDING..... | 4 |
| III. MAYOR..... | 5 |
| IV. MEETING NOTICES AND AGENDA..... | 6 |
| V. DEBATING..... | 6 |
| VI. VOTING..... | 7 |
| VII. POINT OF ORDER AND APPEAL..... | 8 |
| VIII. ADJOURNMENT AND ORDERING A MEMBER TO LEAVE THE MEETING..... | 9 |
| IX. PUBLIC COMMENT PERIOD..... | 10 |

October 6, 2017
Updated as of December 11, 2017

©2017 by John Berg, Kevin R. Connelly, Ann G. Macfarlane, K. Ann McCartney, Paul McClintock, Weldon L. Merritt, Beverly Przybylski, Mary L. Randolph, and Matthew J. Schafer. All rights reserved.



This guide is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/>. In summary, this guide may be reproduced without any modifications and with attribution, but it may not be used for any commercial gain, either by itself or incorporated into a larger work or collection. There are other rights and obligations in the use or redistribution of this guide. See the license at the web address given above.

INTRODUCTION

This material is general and educational in nature. The answers are based on *Robert's Rules of Order Newly Revised, 11th edition* (abbreviated RONR) and our own experience. The National Association of Parliamentarians (parliamentarians.org) and the American Institute of Parliamentarians (aipparl.org) provide extensive information on parliamentary procedure. For additional information on many of these questions, MRSC (Municipal Research and Services Center) has valuable reference materials available for free download (mrsc.org).

In this guide we talk about “mayor-council” cities, in which the mayor is elected by the people, and “council-manager” cities, in which the city council elects the mayor from among its own members. Charter cities are governed by the contents of their charter and state law. Throughout this guide, the term “mayor” means “presiding officer” (the person in charge of running the meeting).

In every state, state law governs the actions of local government. Many states give access to their relevant statutes online. The Revised Code of Washington (RCW) is mentioned for reference purposes only. Nothing in this guide constitutes legal advice. Consult your attorney or another qualified authority if you have questions about how these general principles apply in a specific situation.

| | |
|-------|--|
| PRP | Professional Registered Parliamentarian (NAP) |
| CP | Certified Parliamentarian (AIP) |
| CPP | Certified Professional Parliamentarian (AIP) |
| CP-T | Certified Parliamentarian-Teacher (AIP) |
| CPP-T | Certified Professional Parliamentarian-Teacher (AIP) |

Excerpts from the Revised Code of Washington (RCW):

RCW 35A.12.100 (Mayor-council) The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

RCW 35A.13.030 (Council-manager) The chair of the council shall have the title of mayor and shall preside at meetings of the council.

RCW 35A.12.120 The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and maintenance of order. (Note: This applies to both mayor-council and council-manager cities.)

I. PARLIAMENTARY PROCEDURE

I thought state law governed the conduct of city council meetings. Why do mayors and members of city councils have to follow parliamentary procedure?

Under Washington State law, councils determine their own rules:

RCW 35A.12.120 “The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order.”

The set of ordinary and customary rules that councils usually choose for their meetings is “parliamentary procedure.” These customs, rules and guidelines have evolved over the last 500 years to govern the conduct of public meetings. They form part of the common law. The courts have found that public bodies must follow parliamentary principles. In some states, the requirement to follow parliamentary principles is specifically included in state law.

If a council hasn’t adopted Robert’s Rules of Order, can it run its meetings the way it likes?

No. Robert’s Rules of Order is one widely-used authority summing up the general understanding of parliamentary procedure. There are other authorities as well. Even if a council has not adopted any authority, it is still bound by parliamentary principles as part of the common law.

What does the principle of majority rule mean?

The principle of majority rule means that the decision of a majority of the members of the body (more than half of those present and voting) is the decision of the entire council. The minority must make it their own, or at a minimum, may not take actions to prevent the council from carrying out its decision.

What is a quorum?

A quorum is the minimum number of voting members who must be present for business to be done. Unless otherwise specified, it is a majority of the members then in office. In a mayor-council city, the mayor is not counted towards the quorum. RONR pp. 345-351

Can a council suspend all of Robert’s Rules?

No. RONR p. 263-265

How can a rule be suspended?

If a member wishes to suspend a rule, for instance, to allow a member of the public to speak longer than the allotted time, he says, “I move to suspend the rules in order to allow the citizen to complete his remarks.” This motion needs a second and cannot be debated. It usually takes a two-thirds vote to pass. The specific rule being suspended is not mentioned, only the purpose. Some rules cannot be suspended. RONR pp. 260-267

II. PRESIDING

Who is in charge of running a public meeting, such as a city council, school board or special district meeting?

For each body, there is a specific individual who has authority to run the meeting, either by election or appointment. This person’s personal authority is subject to state law and regulations, any bylaws or guidelines adopted by the body, and the will of the body itself. Depending on the body, this individual will have the title of mayor, president, chair, etc. In a city council, the mayor has the duty of running the meeting.

Under the Revised Code of Washington, a mayor elected by the people is supposed to run the meeting. Doesn't he have the right to run it the way he likes?

No. The mayor in a mayor-council must follow the principles outlined in parliamentary procedure. During the meeting, he is the servant of the group, and the group is the final authority. The group's final authority is exercised by using the motion to appeal.

III. MAYOR

What are the obligations of the mayor during a meeting?

The mayor has the following duties. RONR pp. 449-450

| | |
|--------------------------------------|---|
| Open meeting | To open the meeting at the appointed time by taking the chair (sitting in the seat reserved for the presiding officer), after finding that a quorum is present, and calling the meeting to order. |
| Announce next activity | To announce in proper sequence the next activity before the council in accordance with the prescribed order of business. |
| Recognize members | To recognize council members who are entitled to the floor (who have the exclusive right to be heard at that time). |
| State questions and put to vote | To state and put to vote all questions that legitimately come before the council as motions or that otherwise arise in the course of proceedings, and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order. |
| Refuse to recognize dilatory motions | To protect the council from obviously dilatory (recurrent time-wasting or obstructive) motions by refusing to recognize them. |
| Enforce order and decorum | To enforce the rules relating to debate and those relating to order and decorum within the council. |
| Expedite business | To expedite business in every way compatible with the rights of council members and the council rules. |
| Decide all questions of order | To decide all questions of order subject to appeal — unless, when in doubt, the mayor prefers initially to submit such a question to the council for decision. |
| Respond to inquiries | To respond to inquiries of council members relating to parliamentary procedure or factual information bearing on the business of the council. |
| Authenticate documents | To authenticate by his signature, when necessary, all acts, orders and proceedings of the council. |
| Close meeting | To declare the meeting adjourned when the council so votes or — where applicable — at the time prescribed in the agenda, or at any time in the event of a sudden emergency affecting the safety of those present. |

Is the mayor a member of the city council?

In Washington State, the mayor of a council-manager city is a member of the city council, but the mayor of a mayor-council city is not.

What right does the mayor have to speak at a city council meeting?

- The mayor must, of course, speak about procedural matters in order to carry out the duties outlined above.

- The mayor in a council-manager city has the same right to speak about issues facing the council as any other council member.
- RONR has special rules for small boards (up to about 12 members). In a mayor-council city with a small council, the elected mayor customarily has a right to speak on matters pending before the council, even though technically not a member. In a larger council, if the elected mayor wishes to speak on substance, he should step down from the chair in order to participate in debate, while another who has not and will not speak on the matter presides, resuming it only when the item has been dealt with. RONR pp. 394-395.

Can the council remove the mayor as presiding officer during a city council meeting and appoint someone else in his place?

This is primarily a legal and not a parliamentary question.

IV. MEETING NOTICES AND AGENDA

Who authorizes the notice of a special meeting?

Issuing notices of a meeting is part of the administrative duties of the mayor. The mayor is bound to issue notices of special meetings that are called according to state law and council rules.

Who decides what goes on the agenda of a public meeting?

The mayor prepares the draft agenda of a public meeting, but the final content of the agenda is subject to the vote of the council. RONR p. 372-373

V. DEBATING

Who decides who may speak in debate and in what order?

The mayor recognizes council members (gives them permission to debate) in accord with the rules of parliamentary procedure. For example:

- The person who makes a motion has the right to debate first if he wishes to. RONR p. 379
- No one may debate a second time until everyone who wishes to do so has spoken once. RONR pp. 379, 388-389
- The mayor may not refuse to recognize council members based on personal preference. RONR pp. 376-377

May council members interrupt each other or the mayor?

No. Interrupting is forbidden under RONR. An exception is that a council member may interrupt to raise a “point of order” if a procedural rule is being broken that needs immediate attention. RONR pp. 383-385

May the mayor interrupt a debater?

No. RONR says specifically that the chair may not interrupt a debater except for a point of order, so long as no council rules are broken. The mayor may not interrupt even if he knows more about a given subject than the debater. RONR pp. 43-44

May the council members debate directly to each other?

It depends. In a large council, council members must address all remarks to the chair. In a small council (up to about 12 members) council members may speak directly to each other. However, the rule that no one may

debate a second time until everyone who wishes to do so has spoken once still applies. Allowing members to debate to each other often leads to one-on-one conversations that violate this rule. RONR p. 392; pp. 487-488

What kinds of remarks are forbidden at city council meetings?

There are certain types of unacceptable remark under RONR. Council members may not make such remarks, which are considered to be irrelevant (not germane) to debate. (Members of the public are not bound by these restrictions.) RONR pp. 392-393

- Personal remarks (remarks about a person's individual qualities, rather than his views)
- Insulting language, personal attacks, profanity and vulgarity
- Inflammatory remarks
- Criticizing a past action of the group, unless the topic is under discussion by the group as a whole, or the member plans to introduce a motion to amend or rescind the action at the end of his speech.
- Remarks that are not germane (relevant) to the topic under discussion.

Who decides whether a remark is forbidden under these rules?

The mayor issues a ruling about improper remarks, subject to appeal. A council member may also object to an improper remark.

May the council invite a member of the public to speak at a public meeting?

Yes. The council may invite anyone it chooses to address it.

VI. VOTING

How many votes does it take to pass a motion or resolution?

In most cases it takes a majority vote to pass a motion or resolution. RONR pp. 400-429

What is a majority vote?

This is a vote in which more than half of the members who cast a vote vote in favor of the motion:

| | |
|---------------------|------------|
| 2 or 3 members vote | 2 in favor |
| 4 or 5 members vote | 3 in favor |
| 6 or 7 members vote | 4 in favor |
| 8 or 9 members vote | 5 in favor |

What is a two-thirds vote?

This is a vote in which at least two-thirds of the members who cast a vote vote in favor of the motion:

| | |
|---------------------|------------|
| 2 or 3 members vote | 2 in favor |
| 4 members | 3 in favor |
| 5 or 6 members vote | 4 in favor |
| 7 members vote | 5 in favor |
| 8 or 9 members vote | 6 in favor |

Who decides what the outcome of a vote is?

The mayor announces the result of a vote and has a special obligation to verify it beyond reasonable doubt. RONR p. 48

If the mayor announces the result of a vote, and it seems to a council member that he made an error, what should the council member do?

If the vote was taken by voice, the council member should call out “division.” The mayor must then retake the vote by raising hands or asking council members to stand. At the request of any council member, the vote must be taken by roll call. RONR p. 52

Can the mayor vote at council meetings?

In a council-manager city, the mayor may vote.

In a mayor-council city, the mayor ordinarily has no vote. However, the mayor may vote in one instance: to break a tie in a matter that is NOT the passage of an ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

If the council passes a resolution or motion, can the mayor veto it?

Mayors in mayor-council code and second class cities can veto ordinances passed by the council, but such a veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor does not have the power to veto other actions of the council. Mayors in towns do not have a veto power. In a council-manager city, mayors also do not have a veto power. The veto power of mayors in the ten first class cities are detailed in their city charters.

VII. POINT OF ORDER AND APPEAL

What should a council member do when someone breaks one of the rules?

A council member can make a point of order. This is a motion that requires another council member, or the chair, to abide by the council’s rules or parliamentary rules. If an error isn’t obvious, the council member may have to briefly explain how the rules are being broken.

This motion is made by just one council member and in most circumstances the motion must be made at the time of the rule violation. When this motion is made it immediately and temporarily stops business until the point is ruled on by the chair, who will either agree with the council member and enforce the rule, or may disagree with the council member. Once the chair rules that the point of order was well taken (correct) or not well taken (incorrect), the business that was interrupted then continues (unless the chair’s ruling is immediately appealed). RONR p. 247, 255

How does a council member raise a point of order?

The council member who sees a rule violation and wants the rule enforced should stand up, interrupt the chair or a speaker if necessary, and without waiting to be recognized, call out, “Point of order!” or “I rise to a point of order.” RONR p. 253

Can a council member raise a point of order about the chair’s actions?

Yes. Everyone in the meeting must follow the rules. If this happens, the chair issues a ruling on his own action.

Can a member of the public raise a point of order?

No. Only a council member can raise a point of order.

What should council members do when they disagree with a ruling by the mayor?

A council member can appeal the chair's ruling, which then tells the chair that the council member is in disagreement with the chair's interpretation and that he wants the council to decide it for themselves. The appeal must be made immediately. If other business intervenes, then it is too late to appeal the chair's decision or ruling.

When the motion is made, it immediately and temporarily stops the pending business until a decision is reached on the appeal. After a vote is taken on the appeal by the council members, the business that was interrupted then continues. RONR pp. 255-56

How is an appeal conducted?

A council member stands and without waiting to be recognized says: "I disagree with the ruling by the chair." The chair should recognize an appeal, even if worded simply as, "I don't think that's right – I disagree with you." The formal wording is, "I appeal from the decision of the chair." The chair then processes the motion. RONR p. 259

Can appeals be debated?

Appeals pertaining to language and decorum may not be debated. In general, other appeals can be debated. There is a special process for debating an appeal. RONR p. 257

Are there rulings that cannot be appealed?

Yes. A point of order that was raised while an appeal is pending cannot be appealed, nor can a ruling by the chair for which there cannot possibly be two reasonable opinions. RONR p. 256

What should the council members do if the mayor ignores an appeal?

This is a highly significant violation of parliamentary procedure which should never happen. The council member may stand and take the vote himself. Education is critical so that all involved understand how this process works. Consult an attorney if legal action is needed. RONR p. 651

VIII. ADJOURNMENT AND ORDERING A MEMBER TO LEAVE THE MEETING

May the mayor adjourn the meeting when he chooses?

No. The mayor may adjourn the meeting on his own initiative only in two instances:

- If the council has come to the end of its agenda and there is no further business.
- If a riot or other dangerous situation has arisen. RONR p. 233-242

May the members adjourn the meeting when they choose?

Yes. When the council votes in favor of adjournment, the meeting ends, even if there is unfinished business. This motion cannot be debated and requires a majority vote.

May the mayor order a member of a city council to leave the meeting?

No.

May the council members order one of their own members to leave the meeting?

Yes. In situations where disruption or disorderly conduct by a council member warrants it, the other members may direct that he leave the meeting. Usually warnings are given first. The removal can be ordered only for a single meeting, not for future meetings. It is best to have adopted policies in place that state when and how such an event might occur. RONR pp. 643-653

IX. PUBLIC COMMENT PERIOD

What is the purpose of the public comment period at public meetings?

The purpose of the public comment period at public meetings is for the public to inform the council about their views on matters before the council. It is not intended for debate and discussion with the public. When back-and-forth exchanges occur, it can become a challenge to describe the council's position correctly and accurately, and substantial confusion may result.

Councils should have other channels in place to answer questions, address concerns, and dialogue with the public—community forums, surveys, personal discussions, a form on the website to contact council members or staff, etc.

May the council place limits on the public comment period?

Yes. The council may place reasonable limits on when public comment is taken, how long people may speak, and how long the public comment period will be; the council may also require that the subject matter pertain to the council's work. All such rules must be “viewpoint-neutral,” that is, they may not favor one opinion over another.

Should the public in attendance clap, boo, hiss or speak over other people during the meeting?

No. This should never happen. Expressions of opinion of this type, whether positive or negative, are intimidating to others and may lead to the suppression of free speech. They also impede the council from doing its business.

May the mayor or members encourage the crowd to clap, boo, hiss or speak over other people during the meeting?

No.

What should the mayor and council do if the public becomes rowdy and unruly during a meeting?

The mayor should explain firmly to the public that they have an obligation to allow the council to do its business. In cases of severe disruption, the council may order the room cleared, or may move to another location (see RCW 42.30.050). Advice from the attorney is helpful in such cases.

Can the mayor order a member of the public to leave the meeting?

State and Federal law and court cases pertaining to open meetings and free speech govern this question.

The authors may be contacted at:

| | |
|------------------------------|-----------------------------|
| John Berg, PRP | nap@jb70.net |
| Kevin R. Connelly, PRP, CP | tdk91692@gmail.com |
| Ann G. Macfarlane, PRP | ann@jurassicparliament.com |
| K. Ann McCartney, PRP, CP-T | ann@silverbeach.com |
| Paul McClintock, PRP, CP-T | pmcclintock@gmail.com |
| Weldon L. Merritt, PRP, CPP | weldonlmerritt@gmail.com |
| Beverly Przyblyski, PRP | beverlyp9@comcast.net |
| Mary L. Randolph, PRP, CPP-T | mlrandolph@msn.com |
| Matthew J. Schafer, PRP | matthew.j.schafer@gmail.com |