

Jacksonville City Council 2011 Orientation Program

PARLIAMENTARY PROCEDURE APPLICABLE TO THE JACKSONVILLE CITY COUNCIL

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PARLIAMENTARY PROCEDURES APPLICABLE TO JACKSONVILLE CITY COUNCIL

BACKGROUND AND HISTORY

A. Generally

- Laws are enacted through deliberative discussion, debate and vote
- Parliamentary rules serve to:
 - ✓ Expedite business
 - ✓ Maintain order
 - ✓ Ensure justice and equal treatment
 - ✓ Accomplish the organization's purpose
- American parliamentary law is built upon the principle that rights must be respected. The rights of the:
 - ✓ Majority
 - ✓ Minority
 - ✓ Individuals
 - ✓ Absentees

B. History of Parliamentary Rules

- American parliamentary law was originally based upon what the settlers remembered about rules used in the English Parliament
- Originally, each colony had its own set of rules
- In 1801, Thomas Jefferson determined that a uniform system of rules was needed and he wrote rules which were adopted by the U.S. House and Senate
- In 1876, Henry Robert Martin, an engineer, authored the book of rules known as *Robert's Rules of Order*

“TEN COMMANDMENTS” OF PARLIAMENTARY PROCEDURE

There are ten basic concepts upon which all rules of parliamentary procedure are based:

A. Rights of the organization supersede rights of the individual

- The organization makes its own rules
- The members must observe the rules

B. All members are equal and all rights are equal

- All members have the right to:
 - ✓ Attend meetings
 - ✓ Speak in debate
 - ✓ Make motions
 - ✓ Vote

C. A quorum is necessary to do business

- A quorum prevents an unrepresentative group from taking action in the name of the organization

D. The majority rules

- Minority must respect and abide by the majority decision

E. Silence means consent !

- Members who do not vote, agree to the decision

F. A 2/3 vote is required when taking away members' rights or changing a decision

G. One at a time

- One speaker
- One motion

H. Debatable motions receive full debate

- Debate is directed to:
 - ✓ motions, not motives
 - ✓ principles, not personalities

I. A decision is a decision (usually)

- Motions to reconsider and rescind are the exception

J. Personal remarks are always out of order

III. WHICH RULES CONTROL?

- A. The primary source of parliamentary rules is the Rules of Jacksonville City Council
 - Ordinance 98-381-E (revised May 1999) (published April 6, 2007)
*codified on-line coj.net City Council, Council Rules
- B. The secondary source is *Roberts Rules of Order*
 - *Robert's* supplements the City Council Rules (see Rule 5.101)*

III. WHO INTERPRETS THE RULES?

- A. The presiding officer interprets the rules (5.102)
- B. Chairman of the Rules Committee advises the presiding officer (5.101)

V. THE BASIC RULES APPLICABLE TO COUNCIL MEETINGS

A. Quorum

- Need 14 members to conduct business (4.106)

B. Absence from Meetings

- Must give notice to Council Secretary prior to convening of the meeting (4.501)

C. Order and Decorum

- All members work to preserve decorum (4.502)
- No delays or interruptions allowed (4.501, 4.803)
- The presiding officer is to be obeyed (4.502)
- Must be recognized by presiding officer (4.504, 4.802)
- Must rise to speak (4.504, 4.802)
- Address only the issue, not any personality (4.504)
- May only speak to matters germane to the question (4.802)
- If called to order, cease speaking until presiding officer rules (4.803)

- Limited to speaking twice to each matter (4.804)
- Time limits (4.805):
 - ✓ 5 minutes - 1st time
 - ✓ 3minutes - 2nd time

*Citations in parenthetical throughout this outline are to Rules of the *Jacksonville* Council, Ordinance 98-381-E, updated April 1007, unless otherwise noted.

D. Voting

- Each member present must vote on each question put (4.602; F.S. 286.012)
- Exception: must abstain in matters involving a conflict of interest (4.602, F.S. 112.3132)
- A vote not cast is deemed an affirmative vote (4.602)
- Manner of voting (4.603)
 - ✓ Procedural matter = voice
 - ✓ Emergency = voice
 - ✓ All other = electronic or written roll call
- Any change of vote must be before the closing of the ballot (4.604) unless move to reconsider.
- The number of votes needed to pass a measure is shown on the “Frequent Council Rules Actions” Chart included as **Appendix 1**.

E. Motions

The *Council Rules* outline a few general rules of parliamentary procedure. The *Council Rules* also address four specific types of motions: reconsideration, previous question, postpone indefinitely and lay on the table.

1. Generally

- Motions are usually done orally (although they may be in writing) (4.701)
- A ‘second’ is needed for debate or vote (4.701)
- A committee report serves as a second (*Roberts Rules of Order* and 4.702(4))

2. **Amendments**

- Motions to amend must be germane (4.709)
- Primary Amendment - propose to change to main motion
- Secondary Amendment - propose change to primary amendment
- Amendments must be seconded
- Amendments must be considered one at a time

3. **Order of Precedence**

- Secondary motions assist in determining the action to take on a main motion
- Debate on a main motion stops until secondary motion is decided
- Priority is given to certain motions to determine order in which motions will be considered
- Multiple secondary motions may be pending, but they may only be considered one at a time and in order of priority
- Council Rule 4.705 states the Order of Precedence (i.e. the order in which secondary motions are heard)

4. **Motions Specifically Addressed by Council Rules**

- **Reconsideration**

- ✓ Must be moved at the same council meeting (4.711)
- ✓ Must be moved by a prevailing member (4.711)
- ✓ May be seconded by any member (4.711)
- ✓ May be decided immediately or be left pending (4.712)

- **Previous Question**

- ✓ Stops debate
- ✓ Brings the main question and all amendments to a vote (4.714)
- ✓ Neither the bill's introducer nor mover may make the motion (4.714)

- **Postpone Indefinitely**

- ✓ Avoids direct vote on the question on the floor (4.715)
- ✓ Bill goes under unfinished business if not handled by end of meeting (4.715)

- **Emergency**
 - ✓ Council, by 2/3 vote, may declare that legislation is an emergency 4.901)
 - ✓ Rezoning may not be passed as emergency legislation (4.905)
 - ✓ The effect of declaring an emergency (4.901):

Public hearing requirements are waived
Three readings are waived
Council immediately considers the bill
 - ✓ Council must debate existence of emergency and vote on that motion before voting on merits of the bill (4.902)
 - ✓ Vote required to declare an emergency:
 - **Ordinance** .need 2/3's of entire Council (e.g. 13 votes)
 - **Resolution** .need majority of Council present

- **Lay on the Table**
 - ✓ Removes the bill from consideration until the body votes to take it from the table (4.716)
 - ✓ Requires a majority vote
 - ✓ Is intended to be a courtesy motion, not a dilatory tactic
 - ✓ Use to set aside question temporarily because something else is more important needs to be handled first

F. Cheat Sheets

- **Parliamentary Procedure at a Glance** included as **Appendix 2**, is another helpful tool regarding motions and rules which pertain to them.

VI. PROCEDURAL RULES APPLICABLE TO COMMITTEE MEETINGS

Committee proceedings are less formal than council meetings. While many of the Council rules apply to committees, not all do.

A. Attendance (Rule 2.202)

- Mandatory attendance
 - ✓ Members must attend unless excused by the Chair
 - ✓ Failure to attend 3 meetings without excuse may result in removal from the committee

- **Permissive attendance**

- ✓ Any Council member may attend committee meetings even if not a member of the committee, and:

- Can interview witness
 - Can offer comments
 - Cannot vote (except the President .Rule 2.211)

- **President's attendance**

- ✓ President may attend any committee meeting (Rule 2.211)
 - ✓ President's attendance may make quorum (2.211)
 - ✓ President may vote on any issue in committee (2.211)

B. Voting (Rule 2.202)

- No proxy voting allowed
- Each member present shall vote on every question (unless a conflict exists)

C. Reports (Rule 2.204)

- **Requirements of reports**

- ✓ All bills must be reported; either:

- approval,
 - approval with committee amendment, or with substitute,
 - denial, or
 - withdrawn

- ✓ Majority report goes to Council
 - ✓ Vote on a report must be by electronic or written roll-call
 - ✓ Must file report at least 24 hours before Council meetings
 - ✓ Council (by 2/3 vote) may waive this 24 hour requirement
 - ✓ Second and re-refer is not a "report"
 - ✓ Taking action on a bill, and subsequently deferring the bill, is equivalent to no action being taken

- **Amendments (3.303)**

- ✓ Are reduced to writing
 - ✓ Contain name of offer or
 - ✓ Are approved as to form by Office of General Counsel

- **Substitutes (2.206)**
 - ✓ A committee may draft a new bill and recommend it to the Council
 - ✓ A committee may also adopt a substitute bill proposed by another committee
 - ✓ Council shall consider the substitute instead of the current bill
 - ✓ Once a substitute bill is adopted by Council, the previous bill may no longer be considered

- **Time frames (2.205)**
 - ✓ If not reported timely (and no extension given) a bill can be placed before the Council by a majority vote of the Rules Committee or by 2/3 vote of Council present

VII. Distinctions between procedures used in Committee meetings versus Council Meetings

<u>Council</u>	<u>Committee</u>
Members must stand when speaking	Not Need Stand
“Majority” is based on those present	“Majority” is based on number on the committee = 4 usually
Reconsideration must be moved at same meeting	May move reconsideration at next committee meeting

VIII. EIGHT EASY STEPS TO MAKING A MOTION AND ACTING ON IT AT A COUNCIL MEETING

A. Obtain the Floor

- Request the floor
- Chair recognizes and assigns the floor

B. Handle the Motion

- Stand and make the motion
- Motion is seconded (not need rise)
(not need second if from committee)
- Chair states the motion
- Chair asks for discussion

- Debate (Maker of motion has first right to discuss)
- Chair puts question to a vote by again restating the question

C. Chair announces the vote

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