
2015
City of Jacksonville

**PARLIAMENTARY PROCEDURE
APPLICABLE TO
THE JACKSONVILLE CITY COUNCIL**

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TABLE OF CONTENTS

I.	Background and History	3
II.	“Ten Commandments” of Parliamentary Procedure	3
III.	Which Rules Control City Council?	5
IV.	Who Interprets the Rules?	5
	A. The Presiding Officer (5.102)	5
	B. Chairman of the Rules Committee Advises the Presiding Officer (5.101)	5
V.	Basic Rules Applicable to Council Meetings	5
	A. Quorum	5
	B. Absence from Meetings	5
	C. Order and Decorum	5
	D. Voting	6
	E. Motions	6
	1. Generally	6
	2. Amendments	7
	3. Order of Precedence	7
	4. Motions Specifically Addressed by Council Rules	7
	• Reconsideration	7
	• Previous Question	7
	• Postpone Indefinitely	7
	• Emergency	8
	• Lay on the Table	8
	F. Cheat Sheets	8
VI.	Procedural Rules Applicable to Committee Meetings	8
	A. Attendance	8
	B. Voting	9
	C. Reports	9
VII.	Distinctions between Procedures at Committee vs. Council Meetings	10
VIII.	Eight Easy Steps to Making a Motion and Acting on it at a Council Meeting	10

PARLIAMENTARY PROCEDURES APPLICABLE TO JACKSONVILLE CITY COUNCIL

BACKGROUND AND HISTORY

A. Generally

- Laws are enacted through deliberative discussion, debate and vote
- Parliamentary procedure is the body of rules, ethics, and customs governing meetings and other operations of clubs, organizations, legislative bodies, and other deliberative assemblies.
- 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:

1. Rights of the organization supersede rights of the individual

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

2. All members are equal and all rights are equal

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

3. A quorum is necessary to do business

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

4. The majority rules

- Minority must respect and abide by the majority decision

5. Silence means consent!

- Members who do not vote, agree to the decision

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

7. One at a time

- One speaker
- One motion

8. Debatable motions receive full debate

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

9. A decision is a decision (usually)

- Motions to reconsider and rescind are the exception

10. Personal remarks are always out of order

III. WHICH RULES CONTROL CITY COUNCIL?

- A. The primary source of parliamentary rules is the Rules of the Council of City of Jacksonville
 - As authorized by Section 10.101, *Ordinance Code* (published February 12, 2015 reflecting amendments through Ordinance 2015-7-E) *codified on-line coj.net City Council, Council Rules

- B. The secondary source is *Roberts Rules of Order, Newly Revised*
 - *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 with respect to parliamentary procedure (5.101)

V. THE BASIC RULES APPLICABLE TO COUNCIL MEETINGS

The *Council Rules* outline a few general rules of parliamentary procedure.

A. Quorum

- 14 members are needed to conduct business (4.106)

B. Absence from Meetings

- Any member who is unable to attend a Council or Committee meeting must give notice to the Council Secretary or Chief of Legislative Services prior to the convening of the meeting (4.501)

C. Order and Decorum

- All members work to preserve order and decorum (4.502)
- No delays or interruptions are allowed (4.502, 4.803)
- The presiding officer is to be obeyed (4.502)
- Members must be recognized by the presiding officer (4.504, 4.802)
- Members must rise to speak (4.504, 4.802)
- Address only the issue, not any personality (4.504)

- Members may only speak to matters germane to the business or questions under debate (4.802)
- If a member while speaking is called to order, he/she shall cease speaking until the presiding officer rules (4.803)
- No member shall speak more than twice on any matter before the Council (4.804)
 - A member may only speak a 2nd time after every member desiring to speak has had an opportunity to do so once.
 - Time limits (4.805):
 - 5 minutes - 1st time
 - 3minutes - 2nd time

*Citations in parenthetical throughout this outline are to *Rules of the Council of the City of Jacksonville*, as authorized by Section 10.101, *Ordinance Code*, updated February 12, 2015, unless otherwise noted.

D. Voting

- Each member present at any meeting of the Council must vote on each question put (4.602; F.S. 286.012)
- Exception: a member 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
 - Amendment = voice
 - Emergency = voice
 - Final Action, Postpone = electronic or written roll call
- Any change of vote must be done before the closing of the ballot unless moved to reconsider (4.604).
- 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* also address four specific types of motions: reconsideration, previous question, postpone indefinitely and lay on the table.

1. Generally

- Motions are made orally (unless the presiding officer requests it in writing) (4.701)
- A 'second' is needed for debate or vote (4.701)
- A committee report serves as a second at a City Council Meeting (*Roberts Rules of Order* and 4.702(4))

2. Amendments

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

3. Order of Precedence

- Secondary motions (i.e. amendment, or move to defer) 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 member of the prevailing side (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 of the bill or proposal shall 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 an Ordinance or Resolution to be an emergency measure (4.901)
 - Rezonings may not be passed as emergency legislation (4.905)
 - The effects of declaring legislation 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:
 - **An Ordinance** needs 2/3's of the entire Council (e.g. 13 votes)
 - **A Resolution** needs majority of members 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 they are not a member of the committee, and:
 - Can interview witness
 - Can offer comments
 - Cannot make a motion, amendment or 2nd a motion
 - Cannot vote (except the Council President, Rule2.211)
- **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. Committee 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 submitting Council Member
 - 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 (usually 4)
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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FREQUENT COUNCIL RULES ACTIONS

ACTION	Council Rule	Vote	2nd?	Debate?	Notes	19	18	17	16	15	14
						QUORUM = 14		NUMBER OF VOTES REQUIRED			
Addendum - Agree to Adopt or add to	3.703(b)(1)	<u>2/3</u> present	2nd req'd		Council may accept any portion or all of Addendum	13	12	12	11	10	10
Adopt Ordinance Regular	4.601	Majority present	2nd req'd	debate		10	10	9	9	8	8
Adopt Resolution: Emerg or Regular	4.601	Majority present	2nd req'd	debate		10	10	9	9	8	8
Amend or substitute Ord or Reso		Majority present	2nd req'd	debate or amend		10	10	9	9	8	8
Amend an Amendment		Majority present	2nd req'd	debate	Only once	10	10	9	9	8	8
Amend an Amendment to an amendment	4.704	Not Permitted			Not Permitted						
Amend Council Rules	5.105	<u>2/3</u> of all Members	2nd req'd	debate		13	13	13	13	13	13
Appeal decision of Chair	4.203	Majority present	2nd req'd	NO debate		10	10	9	9	8	8
Call the Question (stop Debate)	4.714	<u>2/3</u> present	2nd req'd	NO debate	amend	13	12	12	11	10	10
Deferal in Committee	2.210(3)										
Discharge from Committee	2.205	<u>2/3</u> present	2nd req'd	debate		13	12	12	11	10	10
Disruption of Meeting	4.505										
Emergency, Declared	4.901	<u>2/3</u> present	2nd req'd	debate		13	12	12	11	10	10
Emergency Ordinance Passed	4.902	<u>2/3</u> of all Members	2nd req'd	debate		13	13	13	13	13	13
Permanent Change to Rules	5.105	<u>2/3</u> of all Members	2nd req'd	debate or amend		13	13	13	13	13	13
Point of Order or Personal Privelege	4.702, 4.703	Chair must recognize	NO	NO debate	decision of Chair						
Postpone to time or date certain	4.705	Majority present	2nd req'd	debate or amend		10	10	9	9	8	8
Precedence, Order of	4.705										
Reconsider previous action	4.711, 4.712, 4.713	Majority present	2nd req'd	debate	Must be moved by Member on prevailing side	10	10	9	9	8	8
Rereferal to Committee	3.203	Request of Chair/President	no vote	no vote	Refers to 1.201 for						
		Request of Council Memb.	yes	debate							
Suspend Council Rules (Waive)	5.104	<u>2/3</u> of all Members	2nd req'd	NO debate		13	13	13	13	13	13
Table , Lay on or remove*	4.716	Majority present	2nd req'd	NO debate or amend		10	10	9	9	8	8
Veto Override (generally)	4.1004	<u>2/3</u> present	2nd req'd	debate		13	12	12	11	10	10
Veto Override, Budget Item/Money	4.1004	Majority present	2nd req'd	debate (CR 4.1004)		10	10	10	10	10	10
Waive Council Rules (Suspend)	5.104	<u>2/3</u> of all Members	2nd req'd	NO debate		13	13	13	13	13	13

Appendix 1

* Motion to remove from table must be made by the end of the meeting **after** the meeting at which the bill was laid on the table or the bill is automatically removed from the agenda.

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Close meeting	I move to adjourn	No	Yes	No	No	Majority
Take break	I move to recess for	No	Yes	No	Yes	Majority
Register complaint	I rise to a question of privilege	Yes	No	No	No	None
Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
Close debate	I move the previous question	No	Yes	No	No	2/3
Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

Incidental Motions - No order of precedence. Arise incidentally and decided immediately.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
Enforce rules	Point of order	Yes	No	No	No	None
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to suspend the rules which ...	No	Yes	No	No	2/3
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
Demand rising vote	I call for a division	Yes	No	No	No	None
Parliamentary law question	Parliamentary inquiry	Yes (if urgent)	No	No	No	None
Request information	Request for Information	Yes (if urgent)	No	No	No	None

Motions That Bring a Question Again Before the Assembly - no order of precedence. Introduce only when nothing else pending.

Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
Reconsider motion	I move to reconsider the vote ...	No	Yes	Varies	No	Majority