

# MASSACHUSETTS MUNICIPAL COUNCILORS' ASSOCIATION

## PARLIAMENTARY PROCEDURE AT COUNCIL MEETINGS: A PRACTITIONER'S VIEW

MICHAEL OSSING – PRESIDENT, MARLBORO CITY COUNCIL

ATHENA O'KEEFE – AMHERST CLERK OF THE COUNCIL

APRIL 24, 2024

# AGENDA

- Welcome and Introductions
- Background
  - Precedence of Laws and Rules
  - Why Have Rules?
  - Where Do I Find the Rules?
- Overview of Marlborough and Amherst Council Rules
- Motions
  - Appeals, Points of Order, and Questions of Privilege
- Real World Examples
- Preserving Order
- Going Forward
- Questions

# BACKGROUND

- From the Disney movie Aladdin:
  - Whoever has the gold makes the rules
- In the world of the City Council:
  - Whoever knows the rules successfully moves items through the council
- In meetings, “it is virtually impossible for any human being to perform the function of chairperson fairly under all the situations that may arise without a considerable body of established rules to go by.”
  - In short: the President’s job is not easy

# PRECEDENCE OF LAWS AND RULES

Federal Law

State Law

Local Charter or  
Government Act

Council Rules

Robert's  
Rules

# WHY HAVE RULES?

- Clarity
  - What happens when during meetings?
- Efficiency
  - How do we best and most effectively conduct our business?
- Fairness
  - Who gets to speak, how do we keep the meeting on track, and how do we handle disagreement?
- What do we do when we don't know what to do?
- Who is responsible for enforcing the rules?

# WHERE DO I FIND THE RULES?

- Robert's Rules of Order
  - General Henry M. Robert
  - First edition 1876
  - 12<sup>th</sup> edition issued in 2020
  - Guide to Smooth, orderly and fairly conducted meetings
- City Council Rules
  - Each City has their own rules
  - Many reference Robert's Rules
  - Make sure you have a copy of the rules, read them, and understand how to use them!

# MARLBOROUGH & AMHERST CITY COUNCIL RULES

- Marlborough
  - Adopted annually by each council – typically after the organizational meeting
  - Council Rule committee – 3 members
  - 33 Rules
  - Cover topics such as meeting time, agenda, meeting conduct, motions, how to speak, committee assignments
- Amherst
  - Reviewed each year
  - 10 rules, 30 pages
  - Topics such as organization, meetings, agendas, public participation, code of conduct, motions and voting requirements, legislative process, committees

# MARLBOROUGH & AMHERST CITY COUNCIL RULES

## ■ Administrative

- Meeting schedule
- How to get items on the agenda
- Consent agenda items

## ■ Meeting Conduct

- Role of the President
- Right to speak
- Code of conduct
- Motions and voting
- Public comment and audience conduct
- The value of your **“WORD”**

## ■ Legislative Process

- Introduction of measures
- Referrals
- Carryover to next legislative session

# MOTIONS

- 
- A motion is made to begin an action item
  - Discussion focuses on the motion on the floor
  - Secondary motion, if any
  - Discussion of secondary motion
  - Votes on secondary motion (some secondary motions dispose of the action item & the meeting moves on to the next item)
  - Vote on main motion

# APPEALS, POINTS OF ORDER, & QUESTIONS OF PRIVILEGE

- Point of Order
  - Raised when a Councilor believes there is a breach of the law or rules during a meeting
  - Must be timely; may be raised without being recognized by the President
  - President may review the rules & consult with Town Manager & Clerk for clarification before ruling
- Appeal
  - If a point of order or appeal is not well heard by the President, a Councilor can make a motion, seek a second, and Council would debate & vote on the ruling
- Point of Privilege
  - Too much noise to hear
  - Technical difficulties
  - Incorrect record of a vote

## REAL WORLD EXAMPLES

- Use of Recess
- Motions to Reconsider
- Voting on the Budget
- Use of Special Meetings

## PRESERVING ORDER

- Use the rules to set expectations and apply them equally
- Take a recess
- Set the pace
- Dispassion and impartiality

## GOING FORWARD

- Come prepared! Read the agenda and materials
- Identify the motion to be made for each item and be aware of number of votes required

# QUESTIONS

- Tabled items
- Consent agendas
- “Old business” and reconsideration of a vote
- Parliamentary association
  
- Other questions?



THANK YOU!

