

## **Recommendations on Rules of Order**

Open Government Commission

March 5, 2018

The Open Government Commission has reviewed the City Council Rules of Order and offers revisions for the city council to consider.

Because the League of California Cities suggests following Rosenberg's Rules of Order and the Alameda City Council already employs most of those rules, the Open Government Commission recommends the following:

1. Repeal the original Rules of Order resolution, No. 12567, and any resolutions amending it.
2. Introduce a new resolution adopting Rosenberg's Rules of Order except for those rules that may conflict with an express rule adopted by resolution of the city council.
3. Adopt special rules to supplement Rosenberg's Rules of Order.

These rules of order set a simple framework for the orderly conduct of meetings. Matters related to the "Order of Business" (Res. No. 14544) vary among meetings, so we recommend that they not be combined in future resolutions dealing with "Rules of Order."

For ease of reference, an outline of Rosenberg's rules is included. The council should note that Rosenberg's basic format for an agenda item discussion calls for a motion before deliberation. The commission believes this format will move matters forward in a more focused and efficient manner.

Further recommendations:

1. Ensure that one complete, updated Rules of Order document (not the resolution) is available on the city's website. Include the legislative history (e.g., Added by Res. No. \_\_, 2018, Repealed Res. No. 14656, 2012, etc.) at the end of the document. This will codify the adopted rules into one coherent document. If changes are made to the rules in the future, consider replacing rather than amending the resolution.
2. Encourage or apply these rules to all boards and commissions.

## **Outline of Rosenberg's Rules of Order**

### **Establishing a Quorum**

- One more than half the body

### **The Role of the Chair**

- Charged with applying the rules of conduct of the meeting
- All decisions by the chair are final unless overruled by the body itself
- Strives to be the last to speak at the discussion and debate stage

### **The Basic Format for an Agenda Item Discussion**

1. Announce the agenda item number and subject
2. Hear report on the item
3. Hear any technical questions of clarification from body
4. Invite public comments and announce when public input has concluded
5. Invite a motion
6. Determine if any member of the body wishes to second the motion
7. If the motion is seconded, the chair should make sure everyone understands the motion.
8. Invite discussion of the motion
9. Take a vote
10. Announce the result of the vote and what action (if any) was taken

### **Motions in General**

The chair usually initiates the motion in one of three ways:

- Invites a motion
- Suggests members make a motion
- Makes the motion if no other member is willing to do so

### **Three types of motions**

- Basic motion – puts forward a decision for the body to consider
- Motion to amend – seeks to retain the basic motion but modify it
- Substitute motion – seeks to throw out the basic motion and substitute another

### **Multiple Motions Before the Body**

There can be up to three motions on the floor at the same time.

- A vote would be taken first on the third motion
- If the motion to amend passed, move to consider the main motion as amended.
- If the motion to amend failed, move to consider the main motion in its original format.

## To Debate or Not to Debate

The following motions are not debatable—after a motion is seconded, a vote is called

- Motion to adjourn
- Motion to recess
- Motion to fix the time to adjourn
- Motion to table – place on hold
- Motion to limit debate – “I move/call the question”: enough debate has taken place

## Majority and Super Majority Votes

Simple majority determines outcome unless a super majority (two-thirds) is required for a specific action.

## Counting Votes

Method used to determine whether a particular motion passed or whether it was defeated; city charters may prescribe vote requirements

## The Motion to Reconsider

After a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made and passed.

- Must be made at the meeting where the item was first voted upon
- May be made only by member who voted in the majority on the original motion

If the motion to reconsider passes, then the original matter is back before the body and a new original motion is in order.

## Courtesy and Decorum

Speakers are to be first recognized by chair. Chair has the right to cut off discussion that is too personal, loud, or crude and chair may limit the time allotted to speakers, including members of the body. Speakers are generally not interrupted. Exceptions are:

- **Privilege** – relates to anything that would interfere with the normal comfort of the meeting
- **Order** – relates to anything that would not be considered appropriate conduct of the meeting
- **Appeal** – a member of body may appeal the ruling of the chair; a simple majority may reverse ruling of chair
- **Call for orders of the day** – “return to the agenda” if discussion drifts off-topic
- **Withdraw a motion** – during deliberations the maker of the motion, at any time, may withdraw motion

## Draft Rules of Order (annotated)

The proceedings of city council meetings shall be governed under Parliamentary Procedure by the latest edition of “Rosenberg’s Rules of Order” except for those rules that conflict with an express rule enacted by resolution of the city council.

[https://www.cacities.org/Resources/Open-Government/RosenbergText\\_2011.aspx](https://www.cacities.org/Resources/Open-Government/RosenbergText_2011.aspx)

### **Supplemental Rules:**

**1. Counting Votes.** The vote count on a motion will be determined by the majority of the membership unless a greater threshold is required by law. A supermajority is two-thirds of the membership.

Note: “The vote of three members of the Council, except as otherwise provided, shall be necessary for any act of or by the Council.” (City Charter, § 3-4.) “No real property of the city shall be leased for a period in excess of one year or sold, except upon the affirmative vote of four members of the Council.” (City Charter, § 3-10.)

**2. Public Comment on Agenda Items.** Public comment will be allowed on all agenda items at the time each item is called. Those wishing to speak are requested to fill out a speaker slip identifying the agenda item about which they wish to address the body and submit the slip to the city clerk. Speakers shall limit comments to three (3) minutes or less. No speaker may cede time to another.

Currently, “Except for public hearings, and other specified situations, no one, including Councilmembers, shall speak for more than three (3) minutes. The Mayor, as Presiding Officer, may grant additional time upon determination that the information is of interest. Spokespersons may speak for up to fifteen (15) minutes at the discretion of the Mayor, as Presiding Officer. At public hearings, the Council may establish similar or longer time limits prior to commencement of the hearing as well as establish an overall time period for the hearing.” (Res. 12567, § 1.i.3; see also Ord. No. 2-91.15.)

Comments: Ceding time from people who had no intention of speaking encourages abuse of extending 3-minute rule. It also discourages participation by more people. One long statement can be read by different speakers. Spokespersons should be on behalf of an organization/neighborhood and would have to ensure that no one else from their group would speak, which is difficult to enforce. Acceptance of this rule would require a change to the Sunshine Ordinance.

**3. Public Comment on Non-agenda Matters.** Any person desiring to address the body on matters not listed on the agenda, which are directly within the subject matter jurisdiction of the city, may do so under “Oral Communication, Non-agenda.” The meeting agenda shall provide up to fifteen (15) minutes for this use at the beginning of the meeting. Any speakers not called will be called under the later scheduled non-agenda public comment. After submitting a speaker slip and called upon by the chair, speakers shall limit comments to three (3) minutes or less. If multiple meetings are held on the same day, speakers may comment only once on the same topic.

**4. Deliberations.** Each member may speak up to three (3) times on an agenda item and no more than three (3) minutes at a time.

Currently, “no one, including Councilmembers, shall speak for more than three (3) minutes. The Mayor, as Presiding Officer, may grant additional time upon determination that the information is of interest.” (Res. No. 12567.)

**5. Ceremonial Presentations and Proclamations.** Ceremonial presentations and proclamations shall be limited to no more than fifteen (15) minutes.

Currently, “The Council Agenda will limit ceremonial presentations and proclamations to no more than fifteen (15) minutes. If more time is needed, other arrangements should be made.” (Ord. No. 2-91.5(j).)

Comments: The time-limit provision in this rule is rarely adhered to or the provision is skirted by treating the time in excess of 15 minutes as de facto “other arrangements.” Acceptance of this provision will require a change to the Sunshine Ordinance.

**6. Consent Items.** Agenda items listed under the consent calendar are considered routine and will be enacted, approved, or adopted by one blanket motion without discussion. Any member or the public may request removal of a specific item for discussion or explanation. The removed/“pulled” item will be voted on separately.

**7. Latest Time a New Agenda Item May Be Called.** No new regular agenda items or council referrals will be heard after 11:30 p.m.

Currently, “Meetings of public bodies shall adjourn no later than 11:00 p.m., unless the meeting is extended by a majority vote of the body. [¶] 1. If the body extends three (3) meetings in a row past 11:00 p.m., the body shall also be required, as a part of the motion to extend the meeting, to increase the number of regular meetings of the council, board or commission in order to accomplish the business before the body before 11:00 p.m. [¶] 2. No new items will begin after 10:30 p.m. unless a supermajority of the body votes to allow the items to be heard. Nominations, announcements, and Council communications may continue to be heard after 10:30 p.m. whether or not a supermajority of the body has voted to extend the meeting.” (Ord. No. 2-91.13(f).)

Comments: Too much time is being spent discussing whether or not to extend meetings and which items should be pulled from the agenda. The council decisions are inconsistent. This recommended change of extending the time better allows for the completion of city business and sets parameters on when to end the meeting. Furthermore, the public, city staff, and consultants will have a better idea of which agenda items will likely be heard. Acceptance of this rule would require a change to the Sunshine Ordinance and would eliminate the requirement to add meetings if three meetings in a row go past 11:00 p.m.

**8. Suspension of the Rules.** A supermajority may suspend the rules for a specific purpose. When rules are suspended, the vote to do so should state the purpose for suspending the rules.

Currently, “The City Council, by majority vote of a quorum, may waive the rules.” (Res. No. 12567.)

Comments: For example, “I move to suspend the rules to allow each member of the council to speak for a fourth time on the item because ....”