

# Tips on Parliamentary Procedure

Governing Principles and Common Sense

(How to Run an Effective Public Meeting – Refresher)

BART Accessibility Task Force (BATF) 09-22-22

# The BIG Picture

- Parliamentary law is a system of maintaining order in organizations. It provides an approved and uniform method of conducting meetings in a fair, orderly, and expeditious manner.
- Respect for law is a basic characteristic of democratic governments. This respect is clearly shown by a willingness to practice an orderly method of procedure in organizations so as to follow the will of the majority, to protect the rights of the minority, and to protect the interests of those absent.
- The San Francisco Bay Area Rapid Transit District Board of Directors has adopted Alice Sturgis' Standard Code of Parliamentary Procedure to govern its affairs and, unless otherwise indicated, the governance of subordinate bodies.

# Alice Sturgis' Philosophy

- Alice Sturgis considered principles more important than rules.
- She stressed the need to understand the “why” behind every procedure.
- She held that when there is a conflict between common sense and archaic ritual, common sense should prevail.

# Key Principles

- All members have equal rights, privileges, and obligations; rules must be administered impartially.
- The minority has rights which must be protected.
- Full and free discussion of all motions, reports, and other items of business is a right of all members.
- In doing business, the simplest and most direct procedure should be used.
- Logical precedence governs introduction and disposition of motions.
- Only one question can be considered at a time.
- Members must be recognized by the chair and have obtained the floor.
- No one may speak more than twice on the same question w/o permission of the assembly. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
- In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.

# Summary of Steps in Handling a Motion

- A member raises hand and addresses the chairperson.
- The chairperson recognizes the member.
- The member states the motion.
- Another member seconds the motion.
- The chairperson restates the motion, thus placing it before the committee for consideration.
- The committee may discuss the motion if it is debatable and amend the motion if it is amendable.
- The chairperson takes the vote.
- The chairperson announces the result.

# Precedence of Motions

- Since only one question may be considered at a time, the sequence in which motions may be taken up is fixed by parliamentary law.
- The main motion is the basic motion and all other legitimate motions are taken up and acted upon before the main motion is finally disposed of.
- In other words, motions are acted upon one at a time in REVERSE ORDER of proposal, with the main motion acted on last.
- Subsidiary and incidental motions which are introduced must be given priority so that the action finally taken on the main motion will accurately reflect the will of the assembly.
- Privileged and subsidiary motions have the highest status and are arranged in an explicit order of precedence. Let's look at them more closely.

# What are Privileged Motions?

- Privileged Motions are motions to enable a member to secure an immediate decision that concerns the comfort, convenience, rights, etc. of a member even though other business is pending.
- Example: "I move to take a 15 minute recess."

# What are the Privileged Motions?

- To Adjourn
- To Recess
- To raise a Question of Privilege
- Examples



# What are Subsidiary Motions?

- Subsidiary motions are motions to modify a motion that is being considered by the board so that it will express more satisfactorily the will of the members.
- Example: "I move to amend the motion by inserting the word 'three' before the word 'representatives'."

# What are the Subsidiary Motions?

- To postpone temporarily
- To close debate
- To limit debate
- To postpone to a certain time
- To refer to committee
- To amend the motion

# Ranking of PRIVILEGED and subsidiary motions

- 1. ADJOURN (privileged)
- 2. RECESS (privileged)
- 3. RAISE A QUESTION OF PRIVILEGE (privileged)
- 4. Postpone Temporarily or "Table" (subsidiary)
- 5. Close debate – requires 2/3 vote (subsidiary)
- 6. Limit debate – requires 2/3 vote (subsidiary)
- 7. Postpone to a certain time (subsidiary)
- 8. Refer to a committee (subsidiary)
- 9. Amend (subsidiary)

# Tips regarding the ranking table

- When a motion is being considered, only motions with higher precedence (as noted on the earlier slide) may be introduced.
- Lower precedence motions may not be considered.

# What is a Main Motion?

- Main motions are motions by which a member may present a substantive proposal to the BATF for consideration and action.
- It is the basic motion of the transaction of business.
- Example: "I move that we apply for a 223 grant to fund the proposed demonstration project."

# What is a restorative main motion?

- The term refers to a motion to amend a main motion that was previously approved by the BATF.

# What is an Incidental Motion?

- Incidental motions arise incidentally out of the immediate pending business at any time and must be decided as soon as they arise.
- Example: "I move to withdraw my motion."
- They are not viewed as presenting a problem of precedence.

# Unanimous (General) Consent

- Under Sturgis (p.142) Unanimous General Consent is an informal method of taking a vote, used for routine and non-controversial decisions.
- Example: "The minutes have been circulated. Are there any corrections to the minutes? (Pause)? If not, the minutes are approved as circulated."
- Example: "Is there any objection to changing the agenda to consider item 7? (Pause)? There being no objection, we will proceed now with item 7, and then return to item 3."
- Unanimous Consent is not appropriate when voting on main motions, since they do not qualify as "routine and non-controversial decisions". Members must be given the full opportunity to express their sentiment by a formal show of hands.



NOTE: Parliamentary Procedure Rules co-exist with other enactments of government

## Hierarchy of Governing Documents under Sturgis (p.203)

- 1. Laws of the Land (Constitution, Statutes, etc.)
- 2. Constitution (Originating Instrument) and Bylaws
- 3. Rule Book (e.g. Sturgis) and Special Rules of Order

# Did you know:

- Under Sturgis, the Chair maintains the right to vote.
- A motion requires (at least) a majority vote to pass.
- Where a motion would limit the rights of members, a 2/3 vote is required.
- Associate members cannot vote.
- BATF members who have a direct personal gain by voting may not vote.
- Under Sturgis (p. 135) abstentions do not count.
- Under Sturgis (p.136), if the result of a vote is a tie, the motion fails to pass.
- Seconding a motion merely indicates that the member wishes the motion to be considered by the committee; it is not necessarily an endorsement of the motion.

# Words of Wisdom re Meetings

- BATF members should be careful not to engage in seriatim or serial meetings, i.e. discussions about matters that are within the subject matter jurisdiction of the BATF that are discussed outside regularly noticed meetings by a majority of the Board.
- Beware of emailing everyone on the Board regarding your point of view.
- Beware of speaking to four other members of the committee about pending matters before the body.
- Don't use third parties to press your point of view to other members of the Board.
- BATF members should likewise be careful not to disclose what happened in closed session deliberations.
- In short, those things intended to be public must be public, and those things intended to be confidential must be treated confidentially.

# Words of Wisdom re Public Comments and Announcements

- The public must be allowed to participate in a meaningful way in the discussion of agenda items.
- The public must be allowed to comment on matters outside the agenda.
- The public must be allowed to criticize elected officials, appointed officials, staff, public policy, and District operations.
- Only disruptive behavior is subject to taking appropriate and measured sanctions.
- Questions from the public should be taken through the Chair.
- Questions from the public, if calling for deliberative action by the body, should be referred to staff for possible future agendas.
- An announcement that entertains an exchange will be viewed as an unnoticed agenda item and will be deemed a violation of the Brown Act.

# Final words of wisdom

- Don't get bogged down with detail.
- Use common sense.
- Have reference materials readily available.
- Take notes.
- Practice.
- Take care of only one thing at a time.
- No business without a quorum. Individual BATF members do not have the power to act independently. They are members of a body and therefore may not speak or act for the body unless given specific authority by the body. An individual doing so will be individually responsible for their own actions.

# Resources

- Alice Sturgis, Standard Code of Parliamentary Procedure (4<sup>th</sup> edition)

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# Questions?

Don't be shy – I don't know anything.