Making Robert’s Rules Work for You
2016 City Summit

Trainer(s):
Ann Macfarlane
Professional Registered Parliamentarian
Jurassic Parliament
Making Robert’s Rules Work for You

November 16, 2016
Ann Macfarlane
Professional Registered Parliamentarian
Jurassic Parliament

#NLCU
Our topics

I. Meeting discussion
II. System of motions
III. Committees and exploratory round robin
IV. Authority and role of chair and members
V. Voting and quorum
VI. What members can do when things go wrong
VII. The right way to control a meeting
VIII. Public comment and staff
Fantasy world

We are in the City of Dinopolis in the League of Northwest Dino Cities.

This is not entirely realistic – it is a fantasy – but there is some overlap with real life!

We use broad strokes to convey the big picture.
Workshop method

We’re going to have a city council meeting. You are the council members. Everyone has “remarks” to make, printed on white paper. Please look through them and be prepared to speak up when your number is called.

“Special instructions” are just for you – don’t read them aloud.
Minutes

We recommend “action” or “summary” minutes, not detailed minutes.
Should record what is done, not what is said.
For certain topics such as conflict of interest, main points made should be included.
Do not include “he said, she said.” This is a waste of time and effort and makes minutes less useful.
I. Meeting Discussion
Principle of Equality

All members have equal rights, privileges and obligations.
Key Point

Discussion in council and committee meetings is NOT A CONVERSATION.
Rules for discussion

No one may speak a second time until everyone who wishes to do so has spoken once.
No one may speak a second time until everyone who wishes to do so has spoken once.
This is CRITICAL!

Applying this rule will transform your meetings.
It is a MUST if you wish to maximize your effectiveness.
Why don’t we follow this rule?

Councils tend to discuss their affairs in conversational mode.

In conversations, dominant people tend to dominate,
And agreeable people tend to let them.

Must have a structure to make sure that everyone has an equal chance to speak.

This is both fair and efficient.
A motion claiming that a procedural mistake has been made.
Chair rules on whether point is correct (well-taken) or not.
Do we have to consider this amendment?

NO. One of the duties of the chair is to protect the assembly from dilatory (time-wasting) or frivolous motions.
Role of the Chair

In large assemblies, chair may not participate in debate.

Exception: Chair may relinquish position as presider and sit on the floor with other members. Vice-Chair presides until issue is resolved.
Role of the Chair

Robert has special rules for small boards. In a small board, up to about 12 people, the chair may take part in discussion, make motions, and vote (if bylaws do not say otherwise).

Nevertheless, chair must show restraint.
HOW to do this?

Members seek recognition before speaking.
Members speak to the chair, not to each other.
Chair keeps track of who has spoken and who wishes to speak.
Can empower vice-chair to keep track – great training for them.
Can use the “round robin” (described in book)
Seeking recognition

Raise your hand and wait to speak until the chair calls your name, nods at you, or gives some other sign that you have permission to speak (you “have the floor”)

Seeking recognition

DO NOT raise your hand and start to speak at the same time. This is unacceptable.
Speak to the chair

Speak to the chair, NOT to another member.

It is a kind of “SONAR.” Everything pings back and forth between the chair and the members.
Speak to the chair

This means that members may not say “YOU” to another member.

Insist on this rule!
If this is just too formal for your group...

Your board or committee members may find speaking to the chair to be too formal and difficult.

In that case, allow members to speak to one another, BUT...
If this is just too formal for your group...

Chair keeps a watchful eye to make sure no two people “hijack” the meeting.

Chair can intervene and say,

“We need to hear from everyone. Does anyone else wish to speak on this topic?”
An occasional exception...

Sometimes there is benefit in the conversational style or “informal discussion.”

This provides a sparky flow of ideas that can be beneficial, for instance at a study session.

A member can say, “I move that we discuss this in conversational style for 10 minutes.”

However, DO NOT make the conversational style your ordinary or “default” style of discussion.
II. System of motions
Can you discuss without a motion?

In large groups, NO. You must have a motion before any discussion begins.
Special rules for small boards

In small boards, it is fine to discuss topics without a motion, if you wish to.
Must be careful not to ramble too much.
If you wish to take advantage of this flexibility, then...
We recommend this process

Discuss the topic at hand
When ready, propose a formal motion – in writing if at all possible
Discuss the motion and, if desired, amend it.
Vote on the motion.
Main Motion

*Tyrannosaurus rex*

A main motion “starts the action” of discussion and decision-making.

It should be in writing if at all possible!

Most of your motions will be prepared in writing and submitted in advance of the meeting.

We are describing the general rules of parliamentary procedure.
How do you introduce a main motion?

Three little words:

I MOVE THAT
Main Motion

Do not move a motion “for discussion.”

Do not make a motion “that we should discuss this.”

Do not make a motion “that we vote on this.”
Second the motion

You “second” a motion to show that you would like to talk about it.

You can second a motion you disagree with if you want to explain why it’s a bad idea.
Main Motion
*Tyrannosaurus rex*

It should be in writing unless it is very short.
It should be clear and unambiguous.
It should be phrased in the grammatical positive.
It must comply with the bylaws and the procedural law of the land.
It is in order when no other business is pending.
Eight steps to process a motion

1. Member makes motion.
2. Another member seconds motion.
3. Chair states motion.
4. Members debate and/or amend motion.
5. Chair restates motion.
6. Members vote on motion.
7. Chair states results of vote, whether motion passes or fails, and what happens next.
8. Chair states next item of business.
Amendments must be germane

Amendments must be GERMANE to the main motion
GERMANE = RELEVANT
Chair decides whether something is germane or not. Chair may also ask group to decide.
You amend a motion to improve it.
The amendment applies to the main motion.
The amendment must be germane.
Amendment has the default setting.
Anyone may move to amend, even the person who made the motion.
Amendment

We vote on amendments before we vote on the main motion, in order to make the main motion as good as possible - to perfect the motion.
Debate the amendment

At this point debate must be about the AMENDMENT, not about the MAIN MOTION.
Amendment

Once the fate of the amendment has been decided, debate continues on the main motion.
More amendments are possible...

Once you’ve dealt with one amendment, you may have others...

provided that they apply to a different aspect of the main motion.

It takes special actions to go back and change something we’ve already amended.

The only limit to the number of these amendments is the patience of your group.
One thing at a time

One subject is discussed at a time.
Robert’s Rules is very linear!
Chair, and members, must insist on this.
Four ways to amend

1. Add or insert words.
2. Strike out words.
3. Strike out AND add or insert words.
4. Substitute.
Amend by adding words

Resolved, that all employees will be issued a regular monthly supply of Valium, without charge, after receiving a psychiatric evaluation.
Amend by inserting words

Resolved, that all employees who have been on the payroll for at least three months will be issued a regular monthly supply of Valium, without charge.
Amend by striking out words

Resolved, that all employees will be issued a regular monthly supply of Valium, **without charge**.
Amend by striking out and inserting words

Resolved, that all employees will be issued a regular monthly annual supply of Valium, without charge.
Amend by substitution

Strike the words:

“Resolved, that all employees will be issued a regular monthly supply of Valium, without charge.”

and substitute the words:

“Resolved, that all employees will be enrolled in the ‘Silver Sneakers’ athletic fitness program.”
“Friendly amendment”

Often misused.

Handle this the same as any other amendment.

Ask, “Is there a second?” etc.

Once a motion has been stated by the chair, the maker and seconder have same rights as any other member.

DO NOT turn to maker and seconder to ask if they accept the amendment – this give them improper power.
Refer to Committee

*Ankylosaurus*

Motion sending main motion (and any amendments) off to another group.

**Should specify two things:**

1. Which *committee it’s going to*
2. When *it’s coming back*
Refer to Committee
Ankylosaurus

Two different types:
1. Normally a motion is referred for a recommendation.
2. It is possible to refer a motion with power to decide.
Request for Information/
Point of Information
*Flying dinosaur*

This is a request for information that is timely and relevant to the debate.

**Chair can respond three ways:**

- Respond yourself
- Ask someone else to respond
- Say, “We’ll get back to you later.”
Request for Information/
Point of Information
*Flying dinosaur*

Don’t allow people to GIVE information.

Useful question:

“*What information does the member need
in order to decide how to vote?”*
Unacceptable remarks

One subject is discussed at a time. Remarks that are not germane (relevant) are unacceptable. Chair rules on whether something is germane. Chair can also turn to group to decide.
Remarks must be germane

BE RUTHLESS in keeping on topic.
When remarks are not germane, try this useful sentence:

“Members will kindly keep their comments strictly to the topic under discussion.”
When in doubt, ask the group!

Chair can always ask the group to decide if something is germane or not.
Call the question

*Triceratops*

Motion requesting that we stop debate and vote.
This motion requires a second.
HOWEREVER it cannot be debated.
It cannot be amended.
And, it takes a two-thirds vote to pass.
Two-thirds vote

Robert specifies this when members’ rights are limited or extended.
Should be taken so you can see the result.
DO NOT take by voice.
Unanimous consent

Form of voting – a type of “fast track.”
Very efficient.
Chair suggests something, and if you agree, REMAIN SILENT. Silence means consent.
If you disagree, say “OBJECTION.”
Chair then knows that everyone does not agree, and abandons the fast track to use the regular method.
Let’s go back to the menagerie...

HOW do you know which motion can be made when, and how to process them?

There is a SECRET – not to unbounded prosperity, but to continued success at meetings!
What is the SECRET?
What is the SECRET?

Pree – SEE – dence of motions
## Precedence of Motions

<table>
<thead>
<tr>
<th></th>
<th>MAIN MOTION</th>
<th>Mandatory yoga</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Precedence of Motions

<table>
<thead>
<tr>
<th></th>
<th>Motion Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Amendment</td>
<td>and tennis</td>
</tr>
<tr>
<td>1</td>
<td>MAIN MOTION</td>
<td>Mandatory yoga</td>
</tr>
</tbody>
</table>
Why are we not going in numerical order?

The motions we’re discussing today are the most common motions.
The others (#2, #5, #6 etc.) can be taken up later.
<table>
<thead>
<tr>
<th></th>
<th>Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Refer to committee</td>
</tr>
<tr>
<td>3</td>
<td>Amendment</td>
</tr>
<tr>
<td>1</td>
<td>MAIN MOTION</td>
</tr>
</tbody>
</table>

- Refer to committee
- Send to committee
- Amendment
- and tennis
- Mandatory yoga
## Precedence of Motions

<table>
<thead>
<tr>
<th></th>
<th>Motion</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Call the question</td>
<td><em>Stop talk and vote</em></td>
</tr>
<tr>
<td>4</td>
<td>Refer to committee</td>
<td><em>Send to committee</em></td>
</tr>
<tr>
<td>3</td>
<td>Amendment</td>
<td><em>and tennis</em></td>
</tr>
<tr>
<td>1</td>
<td>MAIN MOTION</td>
<td><em>Mandatory yoga</em></td>
</tr>
</tbody>
</table>
Precedence of motions

Each motion has a number or rank.

Motions are processed in reverse order ("last in first out" or LIFO).

When a motion is pending (under consideration), motions with a HIGHER rank may be made.

Motions with a LOWER rank are out of order.
IV. Committees and Exploratory Round Robin
Main Motion
*Tyrannosaurus rex*

It should be phrased in the grammatical positive.

Do not move “NOT TO APPROVE” something.
Authority of committees

A committee is a body doing a job ASSIGNED BY SOMEONE ELSE.
This can be a challenge!
See our paper for more.
A great method – the “round robin”

The chair goes around the table, asking each person in turn for their opinion. People may pass.

Important to have a pencil in hand, to jot down points or questions for when your turn arrives.

Chair must wait his turn also!

This rule applies to questions and answers also, and to discussions with staff.

Don’t let any two people “hijack” the meeting.
“Exploratory Round Robin”

One further tweak – everyone agrees not to offer amendments or other motions during the first round. The first round becomes an information-gathering step.

Staff notes comments or questions on a whiteboard. This prevents the discussion from being drawn off-track by proposed amendments or other motions.

Gives the entire picture of the members’ views.
## Discussion Sheet

<table>
<thead>
<tr>
<th></th>
<th>Δ</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>+</td>
<td></td>
<td>?</td>
</tr>
</tbody>
</table>
This solves two problems:

Since amendments are considered before the main motion, sometimes the group ends up spending too much time on an amendment that is actually not that important.

By moving an amendment, a member prevents others from speaking on the main motion, at least until the amendment is resolved.
At conclusion of round robin...

Chair proposes action, based on results listed. Separate out high-level, operational, & micro issues.

Suggest next steps:

• More study?
• Ready to decide?
• Feel that information is inadequate but need to move ahead anyway?
One last question

“Does anyone have any concerns that have not yet been expressed?”

Prevents “parking lot meetings.”
V. Authority and role of chair and members
Accountability Hierarchy
Accountability Hierarchy

BOSS

[Diagram of a pyramid with levels indicating accountability hierarchy]
Voluntary Association
Voluntary Association
Key Point

During meetings, the chair controls the process so the group can make the decisions.
Key Point

During meetings, the presider is the servant of the group, and the group is the final authority.
What is each person’s individual authority?
ZERO
Nothing
Nada
Zip
0
What is each person’s individual authority?

“All members of a governing board share in a joint and collective authority which exists and can be exercised only when the group is in session.”

_The Standard Code of Parliamentary Procedure_
Beware of “social cohesion!”

* Differences, debate, controversy, and dissent can all be healthy and are characteristics of vibrant citizen organizations.*

Brian O’Connell
The clash of opinions is vital

The fact that people have different opinions is a strength, not a challenge.

BUT we tend to identify with our own position.

When we are defeated, we sometimes take it personally.

This is a mistake.
At the end of the day, the council must unite behind its decision.

It is an ancient democratic principle that the decision of the majority is the decision of the body as a whole. The minority must make it their decision as well. It’s a terrible system – but better than all the others that have been tried from time to time.
“Democracy is the worst system of government in all the world, with the exception of those others that have been tried from time to time.”

Winston Churchill
“The willingness to engage in honest debate and lose on issues you care deeply about reaffirms your commitment to common citizenship.”

Cornell Clayton, Washington State University
What is the alternative?

“The ballot box is sacred because the alternative is blood.”

Elias Canetti
VI. Voting and Quorum
“Well, let’s get started now we’ve got a quorum.”
Quorum

A quorum is the minimum number of voting members who must be present for business to be done.

If not otherwise specified, it is a majority (more than half) of the voting members.

DIFFERENT FROM the number of votes cast.
Majority vote (MORE THAN 50%, MORE THAN half)
Ordinarily, this means “a majority of votes cast.” MORE THAN half, or MORE THAN 50%. DO NOT SAY “fifty percent plus one.” You cannot have a half of a person.
Two-thirds vote (AT LEAST two-thirds)
Two-thirds vote

AT LEAST two-thirds of votes cast.
A two-thirds vote is normally required when members’ rights are limited or extended.
Should be taken so you can see the result.
DO NOT take by voice.
One person abstains, majority vote.
To abstain is to do nothing.

Robert says not to call for abstentions, and not to record them.

If you are taking a roll call vote, of course you will record abstentions.

Some cities have a rule that an abstention is counted as a negative or as a positive vote.
Two people abstain, majority vote.
Abstain

Note that depending upon the laws and regulations that prevail, to abstain can have the effect of going along with the majority, or of causing a vote to fail.

For example, with a seven-person council in Washington state, four votes in favor are required to pass an ordinance.

To abstain may mean that even with a majority vote, the ordinance fails to pass.
Three people abstain, tied vote
A tied vote fails.

Sometimes the bylaws say that the chair may vote in case of a tie.

This can be to BREAK a tie, or to CREATE a tie.

The chair is not obliged to vote.

Sometimes it’s best to abstain.
Majority of the entire council
Majority of the entire council

For some motions, a majority of the entire council will carry the motion.

For a small council or board, this can be EASIER to obtain than a TWO-THIRDS vote.
Two-thirds vote (AT LEAST two-thirds)

Majority of the entire council
VII. What members can do when things go wrong
VII. What members can do when things go wrong

a. When chair is passive in face of meeting discussion done badly

b. When chair behaves badly
Unacceptable remarks

Personal remarks
Discourteous remarks – insulting language, attacks
Remarks that are not germane to the topic under discussion
Key point

BIG DIFFERENCE between what may be said by members of the council or committee, and what public may say. During public comment period, public has freedom to be as rude as it likes, as long as not disrupting meeting.
When ANOTHER MEMBER breaks one of the rules, a member may make a POINT OF ORDER.

The chair rules on whether the point is correct (well-taken) or not.
Point of Order

A motion claiming that a mistake has been made. According to Robert, can be made only by a member. We recommend authorizing staff to do this also. May interrupt a speaker if necessary. Must be timely. May be raised up until the next item of business is taken up. Don’t wait!
Timeliness

Must be timely.
May be raised up until the next item of business is taken up.
If you wait, it will be too late.
There are a very few exceptions, but they are rare.
Chair doesn’t say “point of order”

The chair has the duty of maintaining order and decorum, so doesn’t need to say “point of order.”

Just needs to take appropriate action.
When in doubt, ask the group!

Chair can always ask the group to decide if a point of order is correct ("well-taken") or not.
When the chair offends...

When the CHAIR breaks one of the rules, a MEMBER may make a point of order challenging the chair’s action. Chair rules on the point (even though chair’s action is being questioned).
Chair may not get all emotional

Chair has a duty to maintain a calm, steady demeanor, no matter how deeply he feels about the issues and the meeting.
Chair controls process, not content

Chair has a duty to ensure a fair process. Chair may not attempt to direct CONTENT of members’ speeches. Exception: when speech is not germane.
Chair may not interrupt speaker just because she knows more about subject than speaker does.

Exception: when rules are being broken, chair may interrupt.
Chair may not throw member out of the room

Only the body has the right to order one of its own members to leave the meeting.
Appeal

The most important motion in all of Robert’s Rules – and the least known!
Chair’s rulings can be appealed

The CHAIR enforces order and decorum.
The GROUP is the final authority.
Any TWO MEMBERS can appeal a ruling of the chair.
EXCEPTION: If the ruling is a matter of fact on which there cannot be two interpretations, the ruling cannot be appealed.
Appeal

Chair must take care in explaining vote to members. Question being voted on is, “Shall the decision of the chair be UPHELD? Takes a NEGATIVE vote for the appeal to win. A majority vote or a tie upholds the chair’s decision.
Appeal

Some, though not all, appeals can be debated.

Be alert: the debate process is different from anything else in Robert’s Rules.
The heart of democracy

By using Point of Order and Appeal, the group is the final authority.
In our view this is the heart of our democracy.
Unacceptable remarks

During a meeting, members may not criticize a past action of the group, UNLESS

• The topic is under discussion by whole group, OR
• The member plans to introduce a motion to rescind or amend the action at the end of her speech.
VIII. The right way to control a meeting
Flow of authority at a meeting

The group adopts its rules and guidelines.

↓

In attending, members accept the rules of the group.

↓

During meetings, the presiding officer applies the rules for the benefit of the group.

↓

All persons present at a meeting have an obligation to obey the legitimate orders of the presiding officer.
Flow of authority at a meeting

Any member who disagrees with a ruling, decision or order by the presiding officer may appeal the ruling.

↓

If another member seconds the appeal, the group will decide by majority vote whether the ruling, decision or order is legitimate.

↓

The presiding officer obeys the group’s decision.
Chair MUST control discussion

Repeat: the chair must control the meeting discussion.

The chair serves as a BENEVOLENT DICTATOR, enforcing the rules the group has chosen.
We don’t like this

The modern style is completely opposite. We’re encouraged to speak softly, gently, indirectly. We’re encouraged to use “I” statements. Forget all that when running a meeting.
A balancing act

Radiate confidence.
Speak clearly and definitely.
At the same time, keep emotionally connected to the members.
Brisk, warm neutrality

It’s important to be business-like and focused.

Keep things moving.

At the same time, show humanity and humor when appropriate.
Strength vs. warmth

John Neffinger and Matthew Kohut

*Compelling People: The Hidden Qualities that Make Us Influential*
Who sez?

“The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and the maintenance of order.”

RCW 35A.12.120
Who sez?

“It the duty of the presiding officer to enforce the rules relating to debate and those relating to order and decorum within the assembly.”

Who sez?

“All persons present at a meeting must obey the legitimate orders of the presiding officer.”

Chair MUST control discussion

If someone speaks up without being recognized, STOP THEM.

If someone speaks to another member instead of to the chair, STOP THEM.
Chair MUST control discussion

If someone speaks out of turn, STOP THEM.

If someone make obnoxious remarks, STOP THEM.
WHY do we need these rules?

Because the single most important factor in group decision-making is whether the individuals involved are thinking freely, and giving their true INDEPENDENT judgment. But oftentimes we fail to do this.

You can have “group genius” instead of “group think” if you hear from EVERYBODY before moving into decision-making mode.
Roman Senate
St. Benedict’s Rule for Monasteries
U.S. Supreme Court
William F. Buckley
Unacceptable remarks

1. Personal remarks
2. Discourteous remarks – insulting language, attacks
3. Inflammatory language
4. Referring to another member’s motives (except for conflict of interest)
5. Criticizing past actions of the group (unless subject is under discussion, or about to propose a change)
6. Remarks that are not germane (relevant) to the discussion
IX. Public comment and staff
Public comment

A council or board meeting is NOT a meeting of the public. It is a MEETING OF THE BOARD that is held in public. The purpose of the “public comment” period is to allow the board members to become informed about the views of the public. It should be carefully structured and organized. The board may encourage citizens to speak politely but cannot enforce a requirement to do this.
NOT a dialogue

In our view, it is best not to engage in dialogue during this portion of the meeting.

Why? Too difficult to express the board’s position accurately “on the fly,” and too easy to get into hostile exchanges.

Essential to listen deeply, to show complete respect, and to express gratitude for views expressed.

Staff may answer factual questions after the meeting.
Sample policy

Now is the time to hear from our public. We welcome your comments which are very important to us. Note that all comments are limited to three minutes.

As a reminder, please go to the podium to comment. It is helpful for the board if you would give us your name. Please address your remarks to the Chair.

Note that we will not be entering into dialogue at this time. The purpose of this agenda item is for YOU, the public, to inform US, the Board, about your views.

If members of the public have factual questions, staff will be glad to address them after the meeting.
Public comment

As mentioned, the rules pertaining to discussion BY BOARD MEMBERS do not apply to COMMENT BY THE PUBLIC.

The board may encourage citizens to speak politely but cannot enforce a requirement to do this.

Under the First Amendment to the Constitution citizens have the right to express their views, even if negative.

Speak with your attorney before taking action.

In case of disruption, have a plan in place! Will you call a recess? Have disorderly citizen removed? Be prepared.
Be prepared to defend staff

Sometimes it is important for chair to speak up and defend staff.

An atmosphere of attacks and hostility, if left unanswered, creates the impression that the board agrees with the criticism.

Don’t get into an argument. State calmly and clearly that the board has confidence in staff (if you do!)

There should be no public criticism of individual staff members by board members.
Central paradox

The chair is the most important person in the room, AND the least important person in the room.

The chair must be strict on process – a “benevolent dictator.”

The chair is not responsible for the decision that the group makes.

The chair is the servant of the group, and the group is the final authority.
Our topics

I. Meeting discussion
II. System of motions
III. Committees and exploratory round robin
IV. Authority and role of chair and members
V. Voting and quorum
VI. What members can do when things go wrong
VII. The right way to control a meeting
VIII. Public comment and staff
NATIONAL LEAGUE OF CITIES
CITIES STRONG TOGETHER
#NLCU