

INTRODUCTION TO BASICS OF PARLIAMENTARY PROCEDURE

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Why do we embrace Parliamentary Law?

- Why do most legally established deliberative assemblies such as Councils adopt such authorities?
- Robert's Rules of Order – Newly Revised

What does it offer?

- Democratic Process
- Members speak freely
- Minority may present their case
- Majority decides
- Minority helps to carry out final decision

What must ALL Municipal Councils in Ontario formally adopt?

WRITTEN RULES OF PROCEDURE

They can

- Confirm
- Add to (or)
- Deviate

(special rules of order)

YOUR PROCEDURAL BY-LAW

- SEC. 238 of *The Municipal Act*

- Shall provide for public notice of meetings,
- Shall provide for the calling (public notices)
- Location; and
- Proceedings of your meetings.

**SHOULD BE REVIEWED AND IF NECESSARY AMENDED
ONCE DURING EACH TERM OF COUNCIL**

YOUR PROCEDURAL BY-LAW

- Do you know what is in it?
- How well does it serve your Members
- Also applies to Boards and Committees
- Should, unless otherwise provided, include
 - Conflict of Interest
 - Codes of Conduct

Chair's Role and Responsibility

As a Council Member and as an individual, the Chair has the same *rights* in debate as any other member.

HOWEVER

- ◆ MUST maintain impartiality while presiding
- ◆ Should have nothing to say on the merits of pending question

Chair's Role and Responsibility

- ✓ To participate in debate, **must relinquish the chair** and not return until all pending questions have been disposed.
- ✓ **Exception:** an appeal or point of order, where the chair has submitted the appeal or point of order to the judgment of the council, the above rules do not apply and the presiding officer does not leave the chair, since his participation in debate relates to the function of presiding.

Chair's Role and Responsibility

PREScribed UNDER THE MUNICIPAL ACT

- 243. Except as otherwise provided, every member of a council shall have one vote.

Tie votes

- 245. Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act.

Chair's Role and Responsibility

Recorded vote

- 246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote.

Failure to vote

- (2) A **failure to vote** under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.

ROBERT'S RULES OF ORDER - **Abstentions** HAVE THE SAME EFFECT as a negative vote. (S44 lines 16-20)

A Council Member's part in a Productive Meeting

- **Obtaining the Floor**

- (Q) How should a Member obtain the floor?
- Be recognized by the Presiding Officer
 - Rise and address the Chair
 - Speak to debate or make a motion
 - When finished, yield the floor by sitting

- Raising a “*point of order*”
- Chair’s attention can be called by a member raising a “*point of order*”; and
- Chair should immediately address it.

What is the difference between a “*point of information*” and a “*point of order*?”

- **Addressing all remarks through the Chair**
- Members cannot address one another directly
- must address all remarks through the Chair
- (if a member wishes to address a question, while a member is speaking...the member should rise and address the chair, proceeding as explained under *a Point of Information*).

Refraining from speaking against your own motion

- In debate, the maker of a motion:
 - Is **not allowed** to speak against his own motion
 - He need not speak at all, but if he does he is obliged to take a favorable position.
 - Can vote against it or ask to have the motion withdrawn.

VARIOUS MOTIONS

MOTIONS

PRIVILEGED MOTIONS

(Highest ranking from top to bottom)

1. Fix the time to Adjourn
2. Adjourn
3. Take a recess
4. Raise a question of privilege
5. Orders of the Day

SUBSIDIARY MOTIONS

6. Lay on the Table
7. Previous Question
8. Limit or Extend Debate
9. Postpone to a Certain Time
10. Commit or Refer
11. Amend
12. Postpone Indefinitely

13. Main Motion

Subsidiary Motions

Lay on the Table

- Interrupts pending business to permit doing something else immediately.
- LAYS the pending question aside **temporarily** *when something else of immediate urgency has arisen*

Previous Question (**Call the Question**)

- ***Immediately closes debate***
 - **Stops amendments** on the pending question (or other pending questions); and
 - **Prevents the making** of any other subsidiary motions except the higher-ranking *Lay on the Table*
- Brings question to an immediate vote on one or more pending questions
- Requires a two-thirds vote

Limit or extend debate

- Council Members can **exercise special control** over debate on a pending question or on a series of pending questions.
- Requires two-thirds vote
- Reduce the number or length of speeches permitted
- Later hour or after a length of time, debate is closed and the question put to vote

Postpone to a certain time (definitely or postpone) (or **DEFER**)

- To put off, within limits, to a definite day, meeting or hour, or until after a certain event.

Commit or refer

- Used to send a pending question to a smaller group of selected persons – a committee
- To allow the question more review and to be put into better condition for the Council to consider

Amend

- What is an amendment?
- It modifies the wording – **within certain limits of the meaning** – of a pending motion, before the question is acted on.

- How many amendments can be introduced?
 - Two
 - Primary Amendment; and
 - Secondary Amendment.

- **Rejection** of the motion to amend leaves the pending motion worded as it was before the amendment was offered.
- An amendment must always **be germane...**
 - Meaning - closely related to or having bearing on the subject of the motion to amend.

- **What does it mean to be germane?**

- ✓ An amendment **cannot** introduce an independent question.
- ✓ Must in some way involve the same question that is raised by the motion to which it is applied; and
- ✓ A secondary amendment **must** relate to the primary amendment in the same way.

Friendly Amendment !

How do you deal with a friendly amendment?

- Often while a motion is being debated, someone will get up and offer what he or she terms a “friendly amendment” to the motion.
- **The maker** of the original motion will “**accept**” the amendment, and the chair will treat the motion as amended.

INCORRECT

- Once a motion has been stated by the chair, it is **NO LONGER** the property of the mover, but of the Council.
- Any amendment, “friendly” or otherwise, must be adopted by the full body, either by a vote or by unanimous consent.
- Request can be made to:
 - Withdraw – but must be accepted by Council

Postpone indefinitely

(Q) does anyone make use of this type of motion?

AND What is it's purpose.

- *To drop the main motion without a direct vote on it*

- ✓ Council declines to take a position on the main question.
- ✓ If adopted, it kills the main motion (for the duration of the session) and avoids a direct vote on the question.
- ✓ Useful for disposing of a badly chosen main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.
- ✓ Can be applied **ONLY** to a main motion and only while a main motion is pending.

Handling a motion properly

- Six Steps in handling a motion
 - Three (3) steps bring the matter before the Council (steps 1, 2 and 3)
 - Three (3) steps allow the matter to be dealt with (steps 4, 5, 6)

Steps 1, 2 and 3

1. Member makes the motion
2. Another Member seconds the motion
3. **The Chair States the Question**

Steps 4, 5 and 6

4. Members debate the question
5. **Chair puts the question to a vote**
6. **Chair announces the result of the vote**

Proper Handling of a Motion

THREE MOST IMPORTANT STEPS ARE

Step 3 - The Chair States the question

- Important because the Chair will focus the Council on the specific motion that is to be discussed
- Indication to all that ***this*** specific motion, in its exact wording, is **the only issue now open for discussion.**
- **Helps to lead the Council into proper debate of the motion (Step 4)**

Step 5 – The Chair puts the Question to a Vote

- Step 5 ensures all Members of the Council understand exactly what they are voting on.
- If not properly executed Council will ask “**what are we voting on?**”
- When motion is clearly and objectively stated, just before the vote, the Council will feel that the issue is about to be resolved using a fair, democratic process and the Council is better able to accept the decision and then move on to the next item on the agenda.

Step 5 – *Putting the question*

Step 6 – The Chair **announces the result** of the Vote

- Controversial or not, Step 6 is extremely important as part of the process and the Chair's announcement as part of the vote.
- Step 6 is always important and even more critical in controversial situations. It is as if this step gives the Council permission to move on to the next issue, instead of rehashing the current issue.

Step 6 – *Announcing the result*

QUESTIONS?