



LEBANON DIVERSITY, EQUITY, AND INCLUSION COMMISSION

JANUARY 11, 2022 - 5:30 PM

COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM

LEBANONNH.GOV/LIVE

1. Call to Order

The January 11, 2022 Diversity, Equity & Inclusion Commission (DEI) Meeting is hereby called to order.

2. Approval of Minutes: None

3. Old Business: None

4. New Business

- A. REVIEW OF BASIC SAFETY PROCEDURES AT CITY HALL- Review of fire evacuation procedures and shelter in place procedures.
- B. INTRODUCTIONS- The members of the DEI Commission will introduce themselves.
- C. ELECTION OF OFFICERS – Nomination and election of a chairperson, vice-chairperson, and secretary.
- D. REVIEW OF THE CHARGE OF THE COMMISSION- Review of the duties, responsibilities and authority of the Diversity, Equity & Inclusion Commission.
- E. RULES OF PROCEDURE- Discussion and adoption of rules of procedure.
- F. REVIEW OF THE RIGHT TO KNOW LAW- Review the statutory requirements of RSA 91-A as it applies to the conduct of public meetings and public documents related to the DEI Commission.
- G. MEETING SCHEDULE AND TIME- Confirm future meeting schedule and times for the remainder of 2022.

5. Open to the Public

Any member of the public who desires to speak on any item may do so when the item is taken up by the Commission and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

6. Future Agenda Items

- A. Establish liaisons with the Hartford Committee on Racial Equity and Inclusion (HCOREI)
- B. Review data regarding the diverse composition of the population of the City
- C. Establish outreach to the different minority groups in the City

- D. Explore options to highlight and enhance the understanding of different groups in the City
 - 1. Events
 - 2. Articles in the City's newsletter and Lebanon Times
 - 3. Resources and information on the DEI webpage of the City's website
 - 4. Speaking events and other public education efforts to highlight DEI and a better understanding of our underrepresented populations
 - E. Coordinate and/or partner with the Lebanon School District regarding their DEI initiatives
 - F. Receive reports from the City Manager and Councilor Hill regarding the City's Race Equity And Leadership (REAL) training program and core city staff diversity team.
 - 1. Discuss potential collaborative efforts and joint mission vision.
 - 2. Discuss cooperative relationship with the City's administration.
 - G. Develop a plan, scope, and vision for the DEI Commission within the charge established by the City Council for the ensuing year and beyond
 - H. Establish relationships and cooperative efforts with non-profit entities and employers in the City/Upper Valley relative to their DEI initiatives
 - I. Establish liaison and relationship with the City's Arts & Culture Commission
- 7. Other Business**
- 8. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://lebanonnh.gov/live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

ORDINANCE NO. **2021-07**

An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add a new section to establish the Diversity, Equity and Inclusion Commission.

Section 1. Chapter 31 of the Code of the City of Lebanon is hereby amended to add a new section, Article XIII as follows:

ARTICLE XIII, DIVERSITY, EQUITY and INCLUSION COMMISSION

§31-52. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

Pursuant to Chapter C419:23 of the Lebanon City Charter, there is hereby established a Diversity, Equity and Inclusion Commission. The Commission shall be comprised of no more than nine (9) voting members appointed by the City Council, including: two (2) City Councilors and seven (7) members of the public. The City Manager or his/her designee shall be a permanent non-voting member of the commission.

The Public Representatives shall be residents of the City of Lebanon and shall be appointed by the City Council and their terms shall be staggered for periods of two years. The City Council representatives shall be appointed by the Mayor annually.

In determining each member's qualifications, the appointing authority shall take into consideration the appointee's ability to assist in the purpose of the commission and their willingness to serve. The appointing authority will seek a broad representation of the community at large.

Commission members will serve without compensation and subject to applicable City policies. Commission members must comply with the City's ethics policies and shall refrain from promoting or pursuing personal interests while acting as a member or representing the City.

The Commission shall have assistance from City staff, as designated by the City Manager. The Commission shall comply with the rules of decorum as established by the City Council.

§31-53. PURPOSE/CHARGE/MISSION.

The Diversity, Equity and Inclusion Commission is hereby established for the purposes of:

1. Enhancing the City's support for a welcoming environment encouraging cooperation, tolerance, and respect among and by all persons living, working and visiting the city
2. Serving as a resource for City government and the community by providing information, education, and communication that facilitates a better understanding and celebrates our differences.
3. Advising the City government to ensure the community is united amongst diversity, where everyone is equally respected, valued, needed, and cherished.

§31-54. DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the Diversity, Equity and Inclusion Commission will include:

1. Providing recommendations to the City Manager and City Council that would identify opportunities to address diversity and equity issues, promote inclusion/diversity programs, and provide guidance to create a more accessible, safe, welcoming and inclusive government and community.
2. Enhancing communication across and among the community to promote awareness, understanding and the value of cultural, ethnic and religious differences.
3. Promoting equity among all persons relative to gender, race, ethnicity, religion, age, gender identity, sexual orientation.
4. Promoting inclusion in the workplace, the community and City government.
5. Coordinating economic development activities amongst City representatives and private organizations at the request and direction of the City Council.
6. Establishing a dialogue with City residents to understand the needs and concerns of the community; with local business owners to understand challenges and hindrances to the enhancement of diversity, equity and inclusion.
7. Reporting quarterly to the City Council in accordance with Council directives.
8. Working in partnership with the City Manager and Staff to achieve the objectives of ensuring diversity, equity and inclusion in the City.

Section 2. Severability

The provisions of this ordinance are delated to be severable, and if any section, subsection, sentence, clause or part thereof, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective upon passage.

This Ordinance was adopted by the City Council on July 21, 2021 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

By:

 Timothy J. McNamara

Timothy J. McNamara, Mayor

DocuSigned by:
Kristin Kenniston
By: 73ADF3C8F5694A7...
Kristin M. Kenniston, City Clerk

Effective Date: July 21, 2021

Date of Publication of Notice of Public Hearing: July 10, 2021

Date of Public Hearing: July 21, 2021

Date of Adoption: July 21, 2021

Date of Notice of Adoption: August 5, 2021

Date of Recording of the Ordinance by the City Clerk: August 5, 2021

NEW HAMPSHIRE TOWN AND CITY

RIGGINS RULES: Suggested Do's and Don'ts for the Conduct of Public Hearings and the Department of Chairmen and Members of Boards, Commissions and Other Bodies

New Hampshire Town and City, March/April 2019

By Fred Riggins

1. **Don't** accept an appointment or nomination to a Board, Commission, or Council unless you expect to attend 99.9999 percent of the regular and special meetings, including inspection trips, briefings and public functions where your presence is expected. If your participation falls below 85 percent during any 6 month period, you should tender your resignation. You aren't doing your job. You aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you.

2. **Do create a good impression of city government.** Remember that this is the first important contact that many of the people in the audience have had with the administration of their municipality and for some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture, which they will always carry with them of "the way the city/town is run." Make it as pleasant and comforting a picture as possible.

3. **Do be on time.** If the hearing is scheduled at 7:30, the gavel should descend at the exact hour, and the hearing begun, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.

4. **Don't mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting** and during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with. When the other fellow's case comes up and you deny it, he says, "Well, it's easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save your socializing for some other time and place.

5. **Don't discuss a case** privately and as a single member of a body with an applicant or objector prior to the filing and prior to the hearing if it can be politely avoided. In the event that it is not avoidable, and many times it is not, be very non-committal, don't be too free with advice and by all means explain that you are only one member of the body. Be certain that the person concerned understands that you cannot commit yourself in any manner, except to assure him that he may expect a fair and impartial hearing. Even if the case looks pretty good to you it is wise to be pessimistic about the chances of securing approval.

6. **Do your homework.** Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the city for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.

7. **Don't indicate by word or action how you intend to vote** during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff. During this period your body is the judge and the jury and it is no more appropriate for you to express an opinion as to the proper decision, prior to hearing all of the testimony, than it would be for a judge or any member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of the defendant. This is not clearly understood by a majority of persons sitting on hearing bodies. It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument.

8. **Don't fail to disqualify yourself** if either directly or indirectly you have any financial interest in the outcome of the hearing, and let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, do not state your reasons inasmuch as the mere statement of your reasons can be construed as exerting influence on your fellow members. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to, the matter under discussion.

9. **Do rotate the seating** in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him. This will also prevent the forming of little cliques or a not infrequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case, to the great detriment of the applicant, the City and other interested parties.

10. **Do be attentive.** Those appearing before you have probably spent hours and hours rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.

11. **Don't interrupt a presentation until the question period**, except for very short and necessary clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you force yourself to be quiet for a few minutes.

12. Don't permit a person to directly question or interrogate other persons in the audience.

All questions should be addressed to the Chair and to the hearing body. When this person has finished his discussion and stated the questions to which he would like to have answers, then the Chair will permit those who care to make an answer to come forward and do so, but only voluntarily. Do not permit anyone to demand answers to all and sundry questions, especially if it is obviously done for the purpose of harassment.

13. Don't use first names in addressing anyone at all during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy-buddy deal" is about to be consummated. If you just can't bring yourself to call someone Mr. or Mrs., use the third person form and call him "the applicant," or "the person who is objecting," or "the gentleman (or lady)," who is appearing here in connection with this case.

14. Do show great respect for the Chair, always addressing the Chairman as "Mr. Chairman," "The Chairman," or "Chairman Jones," and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.

15. Don't try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.

16. Don't become involved in altercations. Some persons seem to come to hearings with the express purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant rantings, you are immediately involved in a fight. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone else who wishes to be heard?"

17. Do invite interested parties to come forward where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.

18. Do not permit people to leave the podium or the microphone and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members of the hearing body, the others are uncertain about what is going on.

The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.

19. **Don't become involved in neighborhood quarrels** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be mad at you. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal hearsay, and not pertinent to the matter being heard.

20. **Do not fail to give a reason when making a motion for approval or denial of an applicant's request.** If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff recommendation.

21. **Do not take staff recommendations lightly.** These recommendations are made after much study by professional people with years of experience in their field and are based on pertinent laws, ordinances, regulations, policies, and practices developed by you and your predecessors. The recommendations of a good staff in possession of all the facts will almost always produce a technically correct recommendation. Your job is to temper this recommendation with information developed during the hearings, which was not available to the staff. It is not unusually for the staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Always announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

22. **Don't forget that the staff is there to help you in any way possible.** It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect, which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.

23. **Don't try to answer technical questions even if you are sure that you know the answer.** You probably don't and will wind up looking like a fool. Refer these matters to staff. That is one of the things they are there for. They have intimate day-by-day working experience with all the pertinent ordinances and can nearly always give a timely, up-to-the-minute, professional dissertation on any subject in their field.

24. **Don't try to ease your conscience and toss the applicant a bone by granting him something less than he asked for,** something he doesn't want, and something he can't use. In all cases where it is appropriate, give him what he asked for or deny it. To do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job much easier.

25. Do vote by roll call, except for routine administrative matters. This is wonderful character training for each member of the body and emphasizes the “moment of truth” when he must look the applicant in the eye, make his own individual decision, and say “aye” or “nay” in a loud clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the Secretary to record, doesn’t mean anything on a tape recording, is many times quite confusing and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.

26. Don’t show any displeasure or elation, by word or action, over the outcome of a vote. This is very bad hearing manners and won’t lead to the maintenance of a friendly cooperative spirit among members of the Body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.

27. Do discourage any post-mortem remarks by applicants, objectors, or members after the final vote and decision are announced, especially those afterthoughts designed to reopen the case. It will invariably result an unpleasant wrangle. Just say, “I’m sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next case on the agenda will be _____.”

28. Do sit down and have a long soul-searching session with yourself if you find you are consistently “out in left field,” that no one seems inclined to second your profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, and just. Don’t be “stiff-necked” in your opinions. Give a little.

Originally drafted by Fred Riggins, Former Chairman of the Phoenix, Arizona Planning Commission Adapted from the “Planning Commissioners Journal” Number 13/Winter, 1994

Introduction to Robert's Rules of Order

The West Branch City Council has designated *Robert's Rules of Order* as the authority on matters relating to parliamentary practice and the conducting of all official City meetings.

Following is a very brief summary of how *Robert's Rules of Order* are applied to City meetings.

The final authority for resolving questions of procedure will be *Robert's Rules of Order Newly Revised, 10th Edition*.

What Is Robert's Rules of Order?

It is a set of rules for conducting meetings that allow participants to be heard and to make decisions without confusion. It is often referred to as parliamentary procedure.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know the basics.

Organizations using parliamentary procedure usually follow a fixed order of business. Below is the format generally followed by the West Branch City Council.

1. Call to order.
2. Roll call of members present.
3. Welcome.
4. Approve Agenda/Consent Agenda.
 - a. Approve minutes of previous meeting(s);
 - b. Approve bills;
 - c. Approve licenses.
5. Communications/Open Forum.
6. Items from the Public, Department Heads, Commissions, and City Council.
7. Items from the City Administrator.
8. Items from the Mayor.
9. Reports/Committee Assignments.
10. Adjournment.

Council members express themselves by discussing and making motions. A motion is a proposal the entire Council takes action on. Council members can:

1. Make motions (*move to adopt items on the agenda*)
2. Second motions.

3. Debate motions.
 4. Vote on motions.
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There are three basic types of motions:

1. Main Motions:

The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when another motion is on the floor but yield to subsidiary, and incidental motions.

2. Subsidiary Motions

The purpose of a subsidiary motion is to change or amend a main motion; it is voted on before the main motion.

3. Incidental Motions

Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions made?

Only Council members may make motions; the council member:

1. Obtains the floor

- a. Waits until the last speaker has finished.
- b. Addresses the Mayor
- c. Waits until recognized by the Mayor.

2. Makes the motion

- a. Speaks in a clear and concise manner.
- b. States the motion affirmatively. "I move that we..." rather than, "I move that we do not ...".
- c. Avoids personalities and stay on your subject.

3. Waits for another member to second the motion.

4. Another member seconds the motion or the Mayor calls for a second.

5. If there is no second, the motion dies.

6. If the motion is seconded, the Mayor re-states the motion

- a. The Mayor will say, "it has been moved and seconded that we ..." Thus placing the motion before the membership for consideration and action.
- b. The membership then either debates the motion, or moves directly to a vote.
- c. Once your motion is presented by the mayor it becomes "assembly property", and cannot be changed without the consent of the Council.

7. Discussing a motion

- a. The mover is always allowed to speak first.
- b. All comments and debate must be directed to the chairman.
- c. Keep to the time limit for speaking if one has been established.
- d. The mover may speak again only after other council members wishing to speak have spoken, unless called upon by the Mayor.

8. "Calling the question."

- a. The Mayor asks, "Are you ready to vote on the motion?"
- b. If there is no more discussion, a vote is taken.

How are motions voted on?

There are a number of ways a group can vote on a motion. However, two are generally employed by the West Branch City Council, they are:

1. By General Consent -- When a motion is not likely to be opposed such as those listed under the consent agenda, the Mayor says, "if there is no objection ..." The Council shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
2. By Roll Call -- Each Councilmember answers "yes" or "no" as his or her name is called. Most motions are voted on

There are two other motions that are commonly used that relate to voting.

1. Motion to Table -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. Motion to Postpone Indefinitely -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at meetings. But, it only works if it used properly.

1. Only allow motions that are in order.
2. Require speakers to obtain the floor properly.
3. Speakers must speak clearly and concisely.
4. All comments must be directed to the Mayor
5. Most important, courtesy is to be observed at all times.



ROSENBERG'S RULES OF ORDER: SIMPLE PARLIAMENTARY PROCEDURES FOR THE 21ST CENTURY – PART I

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five member body with a few members of the public in attendance, a simplified version of the rules or parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This two-part series of articles covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.

2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate, and those who do not fully understand and do not fully participate.

3. Rules should be user-friendly. That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take A Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does not mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or

she is convinced that no other member of the body will do so.

The Basic Format For An Agenda Item Discussion

The meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. Each agenda item can be handled by the chair in the following basic format:

- First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

- Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body, a staff person or a committee chair charged with providing information about the agenda item.

- Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item and they should be given time to respond.

- Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak on the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

- Fifth, the chair should invite a

motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secre-

tary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the vote should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Motions In General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ... "

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

2. Suggesting a motion to the members: "A motion would be in order that ... "

3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

These three motions are the most common:

1. The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

2. The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we

amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed. A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way. A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it. The decision as to whether a motion is really a motion to amend or substitute motion is left to the chair. So, if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fund-raiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion

and debate, a vote would be taken first on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions.

On the other hand, if the substitute motion (the third motion) failed, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be 5 or 10 members). If the motion to amend passed, the chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed

on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

Rosenberg's Rules Part II, will be continued in next month's issue, when we ask the question: "To debate or not to debate?" □

Dave Rosenberg is an elected county supervisor representing the fourth district in Yolo County, CA. He has served as a member and chair of numerous state and local boards, both appointed and elected and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. This article is reprinted from the August 2003 issue of *Western City*, the official publication of the League of California Cities.

Rosenberg's Rules of Order:

Simple Parliamentary Procedures For the 21st Century, Part II

by Dave Rosenberg

Dave Rosenberg is an elected county supervisor representing the fourth district in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies.

This is the second of a two-part series of articles covering the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for the 21st century, yet they retain the basic tenets of order to which we are accustomed.

To Debate or Not To Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. (For a description of these different motions, please refer to Part I, which appeared in the August 2003 issue of *Western City* and is available online at www.westerncity.com/articles. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chairperson (chair) that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion may contain a specific time in which the

item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion *is a motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a

vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focus-ed, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

Part I of this two-part article is available online at www.westerncity.org/articles.