
BASIC PARLIAMENTARY PROCEDURE FOR TOWN BOARD MEETINGS

by
Troy J. Gilchrist, Attorney

I. BACKGROUND

- A. History:** Parliamentary procedure refers to the set of rules that govern how business is carried out by a deliberative assembly (e.g., a local governing board). Although parliamentary law has a long history, its formal origins can be traced to the English Parliament. A number of books on procedure have been written since the first recording of procedural rules in 1547.¹ It is very important to remember that the rules of parliamentary procedure are not uniform among the various books. Different editors have tried their hand at updating or improving the rules and, as a result, have created different rules.
- B. Minnesota Local Governments:** The authority and obligations of local governments are largely provided by the legislature and set forth in state statute. The statutes are nearly silent on the issue of parliamentary procedure for local governments. Except for a few rules on annual and special town meetings, the Open Meeting Law (OML) provides the single largest source of meeting requirements for towns.
1. **Open Meeting Law (Minn. Stat. Chap. 13D):** The essential purposes of the OML are to assure that public matters are not decided in secret, that the public remains informed, and that an opportunity is provided for the public to present its views. To further these goals, the legislature requires town boards and their committees, subcommittees, etc. to satisfy certain requirements before and while they are meeting. Boards must always keep these requirements in mind anytime a quorum of the board is present (i.e., two supervisors on a three supervisor board).
 2. **Annual Town Meetings:** While the focus of this paper is board meetings, it is worth noting the few statutory rules of procedure for annual and special town meetings.
 - a. The clerk calls the meeting to order within one hour of when the meeting is to convene. Minn. Stat. § 365.54, subd. 2.

¹ The procedural history and rules referenced in this paper are from Robert's Rules of Order Newly Revised (Henry M. Robert III et al. eds., 9th ed. 1990).

- b. A moderator is selected by the people and is required to state the order of business for the meeting. Minn. Stat. § 365.56, subd. 1.
- c. A proposition to vote on a tax must not be acted on out of the order of business state by the moderator. Minn. Stat. § 365.56, subd. 3.
- d. A motion to reconsider a vote must be made within one-half hour of the vote. To pass, a motion to reconsider must be favored by a majority of the electors entered on the election register when the motion is made. Minn. Stat. § 365.56, subd. 4.
- e. All questions on motions except a motion to reconsider are decided by a majority of the electors voting on the question. Minn. Stat. § 365.56, subd. 5.
- f. The moderator shall decide and declare the vote on each question. Minn. Stat. § 365.56, subd. 6.

II. ADOPTING RULES OF PROCEDURE

A. Are They Necessary?: Few town boards have actually adopted formal procedural rules. Instead, most use an informal set of rules loosely modeled on Robert's Rules of Order or rules the members may be familiar with from other organizations. Informal rules may be all some boards will ever need when conducting their meetings. For these boards, adopting a full set of rules would only unnecessarily complicate their meetings. In fact, because the rules mostly reflect proceedings of large assemblies, they are extremely restrictive and actually prohibit many common practices of small boards. However, there are, and will continue to be, boards that find themselves in need of formal rules. This need may arise from an increase in the volume of business, handling more controversial matters, greater public participation, etc.

B. Recommendations:

1. All boards, regardless of whether they adopt parliamentary rules, must act in a fair and consistent manner when conducting their meetings. Conducting meetings in a logical and fair way will get the board much further than adopting a number of rules, especially if the board is not committed to strictly following the rules it adopts.
2. Give careful consideration to a rule before it is adopted. Once a rule is created, the board is expected to follow it.
3. When adopting rules, consider including a provision that allows the board to suspend the rules when deemed necessary. Such a rule would not apply to statutory requirements placed on the board.

4. Rules should be adopted by resolution. A copy of the rules should be posted at the town hall. If a book of rules is adopted, the posting should specify the title and edition of the book the board is using.

III. SOME COMMON RULES OF PROCEDURE

Main Motion

Used to bring business before the board.

Amend

Used primarily to improve the wording of a main motion. The amendments must be germane to the main motion (i.e., on the same subject). New subjects may not be introduced as an amendment. The vote on a motion to amend is not a vote for or against the main motion. Only one amendment to an amendment is allowed.

Lay on the Table

This motion is often incorrectly used in place of a motion to postpone definitely. Used to immediately end debate on a motion to allow the board to take up a matter of immediate urgency that has arisen. There is no set time for taking the matter up again, but it can be revived at any time (including the same meeting) by a motion to take from the table.

Postpone Definitely (Postpone to a Certain Time)

Used to put off consideration of a motion to a specified time. The specified time could be the same meeting, a later date, a specified event, etc.

Postpone Indefinitely

Used to kill a motion. If passed, the main motion may not be brought up again during the meeting.

Close Debate (Call the Question)(Previous Question)

Used to immediately close debate and bring to a vote a matter before the board. This motion must be seconded, voted on, and passed by a 2/3 vote. If the motion is not passed, the debate may continue.

Point of Order

Used when a supervisor believes the procedural rules are not being properly followed. This motion is not seconded or voted on. Instead, the chair is required to rule on the issue and abide by the decision.

IV. MAKING A MOTION

A. **Basic Procedure:** Making a main motion usually involves the following steps:

1. The supervisor gets the chair's attention and is recognized ("Mr. Chair I would like to make a motion.").
2. The supervisor makes the motion ("I move that . . .").
3. Another supervisor seconds the motion ("I second.").
4. The chair restates the exact motion and opens the motion for debate by the board ("It is moved and seconded that [state the motion]."). Usually the supervisor who made the motion starts the debate by explaining the reasons for the motion.
5. When the debate seems to be over, the chair asks if there is any more debate. If none, the chair restates the motion and puts it to a vote ("Is there any more debate? Hearing none, the question is on adopting the motion to [state the motion]. All those in favor signify by saying aye [pause for response]. Those opposed say no.").
6. The chair announces the result of the vote ("The motion is approved/denied.").

B. **Authority to Make Motions:** Only supervisors are authorized to make and second motions at town board meetings. The clerk,² treasurer, and members of the public are not authorized to participate in the making or seconding of motions. Town board chairs have the same authority as other supervisors to make and second motions.

C. **Authority to Debate Motions:** The scope of debate on a motion depends upon the board's policy. All of the supervisors are authorized to participate in the debate on a motion, but the extent to which the clerk, treasurer, and members of the public are allowed to participate depends upon the board's policy. Each board needs to determine for itself how it will handle this issue, but no board should attempt to completely exclude comments from the clerk or treasurer. These positions are too vital to the operation of the town to discount their ideas.

² The clerk is authorized to participate in the vote to appoint someone to fill a supervisor vacancy (Minn. Stat. § 367.03, subd. 6) and may be involved in deciding whether to call a special town meeting (Minn. Stat. § 365.52, subd. 1).

V. DEALING WITH ADVERSITY AT BOARD MEETINGS

- A. Suggestions:** One of the most difficult aspects of serving on local governing boards is dealing with conflict, both among town officers and members of the public. While there are no guaranteed methods of handling these conflicts, there are techniques that may help defuse difficult situations. The following are some possible techniques:
1. **Use Agendas:** Developing and following agendas help prevent meetings from drifting off topic and allows the public to see the order of events.
 2. **Establish Rules for Public Participation:** A number of approaches may be taken to allow public participation in a way that will not disrupt the meeting. For instance, it is possible to allow only those who contacted the clerk before the meeting to be placed on the agenda to speak at the meeting. Although it should not be necessary, stating the rules of public participation at the beginning of the meeting may help keep order. The board should review the different approaches and adopt a set of rules that will work best for its township.
 3. **Learn and Respect Rules of Procedure:** It is important for supervisors to have a basic working knowledge of procedural rules. This is particularly true of the chair as the presiding officer for board meetings. Furthermore, the chair and the board as a whole should be committed to following and upholding the rules during their meetings. When a board demonstrates its commitment to respecting the established rules of procedure when conducting its business, the public is more likely to abide by the rules and decisions of the board.
 4. **Don't Take it Personally:** Often anger directed at the board, or even at a particular supervisor, is a general expression of dissatisfaction over "the system" rather than a personal attack. It just so happens that you are in a position to occasionally make decisions that someone will not like.
 5. **Talk it Through:** Do your best to allow the person to explain the problem. Merely refusing to allow a person to speak will only make matters worse. Do not allow abusive language or swearing, and certainly do not use it yourself. Once the problem has been aired, you are in a better position to resolve it. Of course, sometimes no amount of talking or explaining will seem to help the situation.
 6. **Don't Put Things Off:** When a resident brings an issue before the board, try to handle it in a timely manner. Even though we all have a tendency to put off difficult or complicated matters, they will likely only become worse over time.

7. Explain Decisions: From both a public relations and a legal perspective it is important for boards to state and record the reasons and findings behind their decisions. However, it is not necessary to provide findings for all decisions. Generally, the more complicated, controversial, or important a decision, the more important it becomes to record findings.

B. Options: If a member of the public becomes unruly at a board meeting, the chair should rule the person out of order and ask the person to please not interrupt the meeting. The chair may need to explain the rules and may be able to indicate that an opportunity for the public to speak will occur later in the meeting. If the person continues despite the chair's ruling, the board may consider: calling a short recess in hopes that the person will cool down; recess the meeting and continue it to another day; adjourn the meeting entirely; or ask the sheriff's department to have a deputy remove the person from the building. Only a law enforcement officer should attempt to remove a disruptive person or in anyway become physically involved with someone at a meeting.