

Ground Rules for Great Meetings

Open Meetings Act & Parliamentary Procedure

City of Buchanan Master subtitle style
302 N Redbud Trail
Buchanan, MI 49107



Agenda

- Why do rules matter?
- Open Meetings Act (OMA)
- Parliamentary Procedure & Roberts Rules of Order

Why do Rules Matter?

- Efficiency & Effectiveness
- Predictability & Transparency
- Confidence in Local Government



Source of Rules

- State Law
 - Open Meetings Act
<https://www.michigan.gov/ag/-/media/Project/Websites/AG/open-meetings/OMA-Handbook-October-2022.pdf?rev=1a0f1edea36c491b8e4728ba2f3e1bf3&hash=0E23BA7A7A990B5998CEF986EF1CB5DB>
- Parliamentary Procedure/ Roberts Rules of Order
<http://www.robertsrules.com/book.html>
- Local Rules of Procedure



Open Meetings Act

Michigan Open Meetings Act – Act 267 of 1976

- The Open Meetings Act was expressly enacted for the purpose of requiring certain meetings of public bodies to be open to the public, to require notice and the keeping of minutes of the meetings, to provide enforcement of the Act, to provide invalidation of decisions under certain circumstances and to provide penalties for non-compliance.
- All meetings subject to the Open Meetings Act must be open to the public and held in a place available to the general public.
- The Americans with Disabilities Act requires the public body to provide disabled individuals with a reasonable opportunity to request necessary, reasonable auxiliary aides and services to participate at public meetings.
- “Public body” means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function; a lessee of such a body performing an essential public purpose and function pursuant to the lease agreement; or the board of a nonprofit corporation formed by a city under section 40 of the Home rule city act. 1909 PA 279. MCL 117.40

Open Meetings Act

- Public Comment
 - All individuals present at a public meeting have the right to speak to the public body during the designated time for comments. If the board or commission seeks further input, they may schedule a workshop or public hearing for more in-depth discussion.
 - The right to attend a meeting of a public body also includes the right to tape record, videotape, and broadcast the public proceedings live via radio and television.



Open Meetings Act



Open Meetings Act

Mistake: Discussing the municipality's business with a quorum of board members outside of an open meeting. Some lawsuits are filed because the board makes a decision at a meeting with absolutely no discussion. When it appears there was or should have been discussion, plaintiffs often make the assumption that a meeting was held in private.

Remedy: Make sure all discussions take place at an open meeting. Consider taking extra effort to discuss topics on the record so there is no appearance of an unlawful meeting.

Mistake: Violating the OMA by using the "reply to all" feature on e-mail. A board may be unintentionally violating the OMA by "deliberating" over e-mail. Any time a quorum of the board discusses board business by e-mail, there is a risk the OMA can be violated. To make matters worse, a simple FOIA request could prove the violation.

Remedy: Enact a policy addressing this issue. Often, the policy provides that e-mail should be used primarily for the distribution of material. Even when the e-mail is for distribution only, members should be blind copied so the "reply to all" function is not readily available.

Open Meetings Act

Mistake: Not allowing 18 hours notice for a special meeting, posting a notice that does not comply with the OMA, or posting a notice with incorrect information.

Remedy: Hold the meeting again with proper notice.

Mistake: Not recording or not accurately recording motions or other actions taken by the Board. If in litigation, the Court will look to the minutes, not to the verbal representation of board members.

Remedy: Prepare the minutes timely and approve them at the next meeting to avoid any problems.

Mistake: Voting in closed session.

Remedy: The Board may not vote or reach a decision in closed session. All votes must be accounted for in the open session portion of the meeting.

Parliamentary Procedure

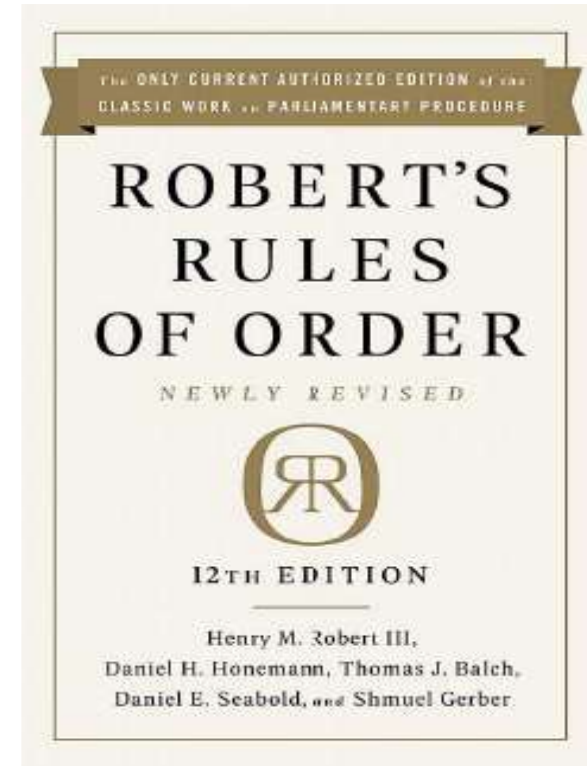
Parliamentary procedures are the rules governing the procedure, discussion, and debate used by deliberative bodies.



Parliamentary Procedure

Key Robert's Rules Principles

- Meeting
- Chair or Presiding Officer
- Quorum
- Motion
- Majority
- Two-thirds vote
- Unanimous vote
- Roll Call
- Closed or Executive Session
- Resolution



Parliamentary Procedure-

- Basic Concepts of a Meeting
 - A quorum must be present.
 - One main proposition on the floor at a time.
 - One board member speaking at a time.
 - Order of motions.
 - Limiting remarks.
 - Active listening.
 - The issue and not the person is what is under discussion.
 - Usually, a majority vote decides

Parliamentary Procedure-

- Presiding Officer- Chair or Vice-Chair if Chair is unavailable.
- Quorum- is the minimum number of members who must be present in order that business can be transacted.
 - If a quorum is NOT present at a meeting, the board may not transact any business, but may adjourn or recess to take steps to obtain a quorum. (State law/Open Meetings Act.)

Parliamentary Procedure

- Boards generally vote by motion. The motion can be by voice vote or roll call vote.
- There are 5 classes of motions:
 1. Main Motion
 2. Subsidiary Motion
 3. Privileged Motion
 4. Incidental Motion
 5. Motions that reopen a previously completed matter ("Bring Back" motions)

Parliamentary Procedure

- All business considered by a board is introduced by a main motion.
 - Motion made by one member after being recognized by the Presiding Officer.
 - Motion seconded by another member (not “supported”).
 - The Presiding Officer repeats the motion.
 - Deliberation on the motion.
 - Vote on the motion.
 - Presiding Officer announces results of vote or clerk/secretary.

Examples of Main Motions

- Motion to pay the monthly bills
- Motion to approve the last month’s minutes
- Motion to approve an application for a special land use permit
- Motion to adopt a resolution
- Motion to adopt an ordinance

Parliamentary Procedure

- Subsidiary or Secondary Motions direct or change how the main motion is handled.
- The most common subsidiary or secondary motions include:
 - Motion to Table
 - Motion to Postpone
 - Motion to Amend

Subsidiary or Secondary Motions direct or change how the main motion is handled.

Parliamentary Procedure

- *Motion to Table – Example:*
 - *The City Commission is considering a motion on a major road project, and the deliberation is understandably lengthy. There is another matter next on the agenda that won't take long – perhaps appointing a new Planning Commission member. The Board doesn't want to make the new PC member and her family wait through the deliberation on the other motion.*
 - *"I move to table the motion to approve the road project so that we can entertain the Planning Commission appointment first."*
 - *Seconded.*
 - *Restated by chair.*
 - *NO DEBATE, NO AMENDMENTS.*

Parliamentary Procedure

- *Motion to Postpone to a Certain Time* – A motion to postpone to a certain time is intended to delay consideration of a matter later in the current meeting or to a future meeting. A motion to postpone to a certain time must be seconded, is debatable, and requires a majority vote.
- **There are two subsets of a motion to postpone:**
 - *Motion to Postpone Indefinitely*– The effect of a motion to postpone indefinitely is to kill it without taking a vote on the question.
 - *Motion to Postpone to a Date Certain*– The effect of a motion to postpone to a date certain allows action on a pending motion to be put off to a specific date, time, meeting or until a certain event takes place.

Parliamentary Procedure

Motion to Postpone to a Certain Time -Example

- *The City Commission is back to the motion to approve the road project, but one Board member raises a question that will require research from the Township Engineer.*
- *"I move to postpone the motion to approve the road project to our next meeting on October 23 to allow time for additional research by the Engineer."*
 - *Seconded.*
 - *Restated by the chair.*
 - *DEBATABLE AND AMENDABLE.*

Motion to Postpone Indefinitely - Example

- *The City Commission is back to the motion to approve the road project, but there is little public support for the project.*
- *"I move to postpone the motion to approve the road project indefinitely."*
- *Seconded.*
- *Restated by chair.*
- *DEBATABLE BUT NOT AMENDABLE.*
- *If successful, this "kills" the motion.*
- *This is a way to kill/reject a main motion without voting on the merits.*

Parliamentary Procedure

Motion to Amend – A motion to amend is intended to change or modify a main motion before a vote is taken.

- Once an amendment has been made, seconded, and restated by the presider of the meeting, it is open for discussion, which is limited to the amendment.
- If the amendment is adopted, then discussion returns to the main motion, as amended.
- A "friendly amendment" is an amendment offered by a member who is in support of the motion, but feels an amendment would help clarify the maker's intent.
- Must be accepted by unanimous consent or debated and voted upon.

Privileged Motions – are unrelated to the main motion and can be made and considered immediately. Privileged motions include:

- Motion to Adjourn [note: do not adjourn meeting with offering a public comment period]
- Motion to Recess
- Call for Orders of the Day

Incidental Motions – are considered housekeeping motions. Incidental motions do not directly modify main motions.

Incidental motions include:

- Motion to be Excused from Duty
- Point of Order (noise, climate control, etc.)

Parliamentary Procedure

Frequently Asked Questions regarding Motions:

Q: If I make a motion, can I speak against it?

A: No – A member may not speak against his own motion, but may vote against it.

Q: If I second a motion, do I have to support it?

A: No – Seconding a motion does not indicate that the member is in support of the motion, only that he or she thinks the idea should be discussed.

Q: What if a motion is made and seconded, but does not have a majority vote?

A: The motion fails.

Q: What if there is a tie?

A: The motion fails.

Voting

Each member of a council/board should vote on all issues for which a vote is required, unless he or she has a conflict of interest or other proper legal reason for abstaining.

- A legal conflict of interest is a financial or contractual interest in a matter before the board. There are other statutes that permit abstention (i.e., appointing a successor or filling a vacancy for which the member wishes to be considered - MCL 42.7).*
- Majority Vote - the expressed approval of more than half of the members present and voting on a particular matter.*
- Two-thirds Vote - the expressed approval of at least two-thirds of those present and voting.*

Questions

Rules are important, but remember to use common sense.

