

# AGENDA LANDMARKS & DESIGN COMMISSION July 18, 2023

Hybrid Meeting In-person and via Zoom



<https://us02web.zoom.us/j/87671607113?pwd=MIJpR0tBVWhaWnAyb1crMXRRU3BjUT09>

**CITY OF ELLENSBURG  
LANDMARKS & DESIGN COMMISSION AGENDA  
Council Chambers  
501 North Anderson Street  
Ellensburg, WA 98926  
And remotely via Zoom  
Tuesday, July 18, 2023  
5:45 PM - Regular Meeting**

- 1. Call to Order and Roll Call of Members**
- 2. Approval of Agenda** (No Public Comment)
- 3. Approval of Minutes**
  - 3.A Review of June 21, 2023 LDC Meeting Minutes.
- 4. New Business**
  - 4.A Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the previously installed shed roof structure at 111 W 4<sup>th</sup> Ave.
  - 4.B Roberts Rules Process Discussion
- 5. Unfinished Business**
- 6. Citizen Comment**
- 7. Staff Update/Discussion Items**
- 8. Commission Representative Update**
  - 8.A EDA Representative Update
- 9. Adjournment**



For more information on the Landmarks & Design Commission, contact Senior Planner Stacey Henderson at 509-925-8608.



Meeting Date: July 18, 2023

**City of Ellensburg  
Landmarks & Design Commission Agenda Report**

**Agenda Subject:**

Review of June 21, 2023 LDC Meeting Minutes.

**Submitted by:**

**Department:**

Community Development

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**Suggested Motion/Action:**

**Background/Summary:**

**Previous Council Action:**

**Analysis:**

**Financial Impact:**

Budget Adjustment: No

**Attachments:**

1. 06.21.23 LDC Minutes



**CITY OF ELLENSBURG**

**Date of Meeting**

**Time of Meeting**

**Place of Meeting**

**Minutes of Landmarks & Design, Regular Meeting**

**June 21, 2023**

**5:45 PM**

**Council Chambers 501 North Anderson Street**

**Ellensburg, WA 98926**

**And remotely via Zoom**

**1. Call to Order and Roll Call**

Roll Call Present- In Person: Fred Redmon, Cathy Poshusta, Andy Polak

Roll Call Present-Via Zoom: Dorothy Stanley, Zane Kanyer

Absent: Marty Blackson, Jeff Watson (excused), Council Liaison Monica Miller

Also present- In Person: Jeremy Johnston-Planning Manager, Kathy Boots- Planning Technician

Also present- Via Zoom: Ryan Kellogg-Applicant

Commissioner Redmon called the meeting to order at 5:45 p.m.

**2. Approval of Agenda**

Commissioner Stanley moved to approve the agenda.

**Motion Approved 5-0.**

**3. Approval of Minutes**

Commissioner Stanley moved to approve the June 6, 2023, minutes.

**Motion Approved 5-0.**

**4. New Business**

- A. (P23-054) Public Hearing for Consideration of a Certificate of Appropriateness (COA) to install a gazebo on the back patio at 301 N. Pearl St., Ellensburg, WA.

Johnston read staff report. In 2022 the applicant proposed roof structures. Kellogg has changed direction to one premanufactured gazebo that is smaller and removable and "coffee brown" in color. Staff recommend approval of COA with no conditions. Public comment opened. Appearance of fairness completed. The applicant had no additional information to add. No public comment. Public comment closed. Commissioner Kanyer motioned that the

Certificate of Appropriateness (COA) be granted by the Commission as presented. Commission deliberated. Commissioner Kanyer motioned that the Certificate of Appropriateness to install a gazebo on the back patio at 301 N. Pearl St., Ellensburg, WA. be granted by the Commission and finding of fact referenced in agenda packet apply and with no conditions. **Motion granted 5-0.**

**5. Old Business**

None

**6. Citizen Comment**

None

**7. Staff Update/Discussion Items**

A. Next Meeting- WEDNESDAY July 5, 2023

**8. Commission Representative Update**

No EDA update

**9. Adjournment**

Chair Redmon adjourned the meeting at 6:58 p.m



Meeting Date: July 18, 2023

City of Ellensburg

## Landmarks & Design Commission Agenda Report

**Agenda Subject:** Public Hearing for Consideration of a Certificate of Appropriateness (COA) for the previously installed shed roof structure at 111 W 4<sup>th</sup> Ave.

**Submitted by:**

**Department:** Community Development

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### Suggested Motion/Action:

#### Background/Summary:

##### ELLENSBURG CITY CODE

Review of proposed changes to structures within landmarks districts is required per **ECC 15.280.090(A)**, as follows:

#### 1. Review Required

1. No person shall **alter**, repair, enlarge, newly construct, relocate, or demolish any registered landmark, **or any property located within a landmark district, nor install any exterior sign** or mural pursuant to subsection (A)(2) of this section, without review by the landmarks and design commission and issuance of a COA. In the case of murals, the arts commission shall first review and provide its recommendations to the landmarks and design commission of any proposal for a mural to be located on a registered landmark or within a landmark district. Factors to be considered by the arts commission include media to be used, method of application, stability, building/site, mural location and practicability of project.
2. This review shall apply to all exterior features of the property visible from a public right-of-way. This review applies whether or not a permit from the city of Ellensburg is required.
3. Review of alterations to Ellensburg landmarks register properties under this chapter is in lieu of design review required for projects and sign review per ECC 15.210.050(B).

Additionally, the Commission shall also review the Building Design criteria as found in ECC Chapter 15.530. More specifically, the building design criteria which is applicable to historic buildings and districts in found in ECC 15.530.020, as follows:

#### **ECC 15.530.020 Building Design: Historic Buildings and Districts**

A. Purpose. To preserve and reinforce the historic character of Ellensburg's

downtown and older residential areas.

B. Historic Buildings and Districts Standards and Guidelines.

1. All development projects identified on the Ellensburg landmarks register are subject to review by the Ellensburg landmarks and design commission per Chapter 15.280 ECC and conformance with the following design standards for rehabilitating existing buildings.
  - a. Retain and preserve the overall historic character of the building;
  - b. Ensure that proposed alterations are compatible with the building's own architectural character, and do not create a false historical appearance;
  - c. Retain and preserve early alterations which have architectural significance in their own right;
  - d. Treat distinctive original features, finishes, and examples of skilled craftsmanship with sensitivity;
  - e. Repair rather than replace deteriorated architectural features whenever possible;
  - f. Use the gentlest means possible when surface cleaning exterior masonry;
  - g. Protect and preserve significant archaeological sites affected by the project, or provide mitigation for their disturbance; and
  - h. Design new additions to existing buildings and new infill construction to be compatible with the massing, scale, materials, and architectural features of adjacent historic structures.

These standards are supplemented and further defined or explained by that document entitled "Design Standards for the City of Ellensburg," as currently enacted.

2) Property owners of historic district buildings are also encouraged to use the Secretary of the Interior's Standards for the Treatment of Historic Properties (web: <https://www.nps.gov/tps/how-to-preserve/briefs.htm>) (hard copy also available at City Hall) as a guide to preserve, rehabilitate, restore, reconstruct, or add to historic properties. These standards provide detailed recommendations on restoration, maintenance, repair, replacement, design, alterations, building materials, roofs, interiors, etc. [Ord. 4656 § 1 (Exh. O2), 2013.]

## STAFF NARRATIVE

The commercial building at 111 West 4<sup>th</sup> Ave., was constructed ca. 1900, and is considered a historic non-contributing building within the Ellensburg Downtown National Register District and Local Landmarks District. This small building is a one-story brick masonry building with rectangular footprint, a flat roof, and a parapet. The storefront has been remodeled, and consists of a central recessed entry, flanked by walls, one enclosed with wood and the other displaying a window in the upper portion.

The applicant operates a restaurant out of this space, and there is an open back patio utilized for restaurant seating. They have constructed a shed roof structure over a portion of the back patio, that is enclosed with walls on three sides. Unaware of the requirement to obtain a COA or building permit before constructing this structure, the applicant has provided documentation and an application to retroactively obtain approval for the structure through

the LDC, as well as through the building department.

Per the photographs in Exhibit B.4, the structure is free standing, separate from the building, and provides shelter for outdoor restaurant seating. Dimensions of the structure are 20'-8" x 10'-4", by roughly 8' tall, with three walls that partially enclose the space. Materials of the structure include metal panel roof, and horizontal wood slat panel walls with metal structural supports. The applicant has painted the metal support and trim pieces a color intended to match colors found in the surrounding context, such as the planter boxes and trash bins. Although permanently installed to the ground, this structure is not fastened to the historic fabric of the building, and therefore, the work is reversible, as this can be removed in the future if needed.

In review of the criteria found in ECC 15.530.020(B)(1), staff finds that the structure is of a shape and size found within the historic district in other locations, and does not detract from the historic character of the building or district. In addition, the structure can be considered completely "removable" as it does not connect to the historic building or alter historic fabric in any way.

Therefore, this project meets the following two criteria of said section:

- a) Retains and preserve(s) the overall historic character of the building, and
- b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do **not** create a false historical appearance.

**Previous Council Action:**

N/A

**Analysis:**

**RECOMMENDED MOTION**

Move to approve the existing shed roof structure on the back patio, as constructed, at 111 West 4th Ave, with **no conditions**.

**FINDINGS**

If the Commission should choose to follow the recommendation of Staff and approve the COA, Staff would advise the Commission that the following Findings of Fact are applicable to this project:

1. Per ECC Sections 15.280.090, and 15.530.020, the LDC has jurisdiction to review this project.
2. The project has been found to be in keeping with two of the required building design standards of ECC 15.530.020, specifically that it:
  - a) Retains and preserve(s) the overall historic character of the building, and
  - b) Ensure(s) that proposed alterations are compatible with the building's own architectural character and do not create a false historical appearance.

3. The Applicant is the agent for the owner of this building and can pursue this action. The building is addressed as 111 West 4<sup>th</sup> Ave, and is located in the Ellensburg Downtown National Register District and Local Landmarks District.

4. It is in the interest of the City of Ellensburg to have historic buildings maintained and preserved. This proposal would not negatively alter the character-defining features of the historic building.

In addition, if no public comment is received during the public hearing portion of the meeting, the following Finding of Fact would also be applicable:

5. No public comment was received.

After the close of the public hearing, if it is determined that additional findings of fact are pertinent, they should consist of concise statements of the underlying facts in support of the decision made by the Landmarks & Design Commission. Findings of Fact should be made by the Commission, regardless of whether the project is approved or denied.

When making the final motion, the Commission may also include any conditions of approval that are appropriate to this application.

**Financial Impact:**

N/A

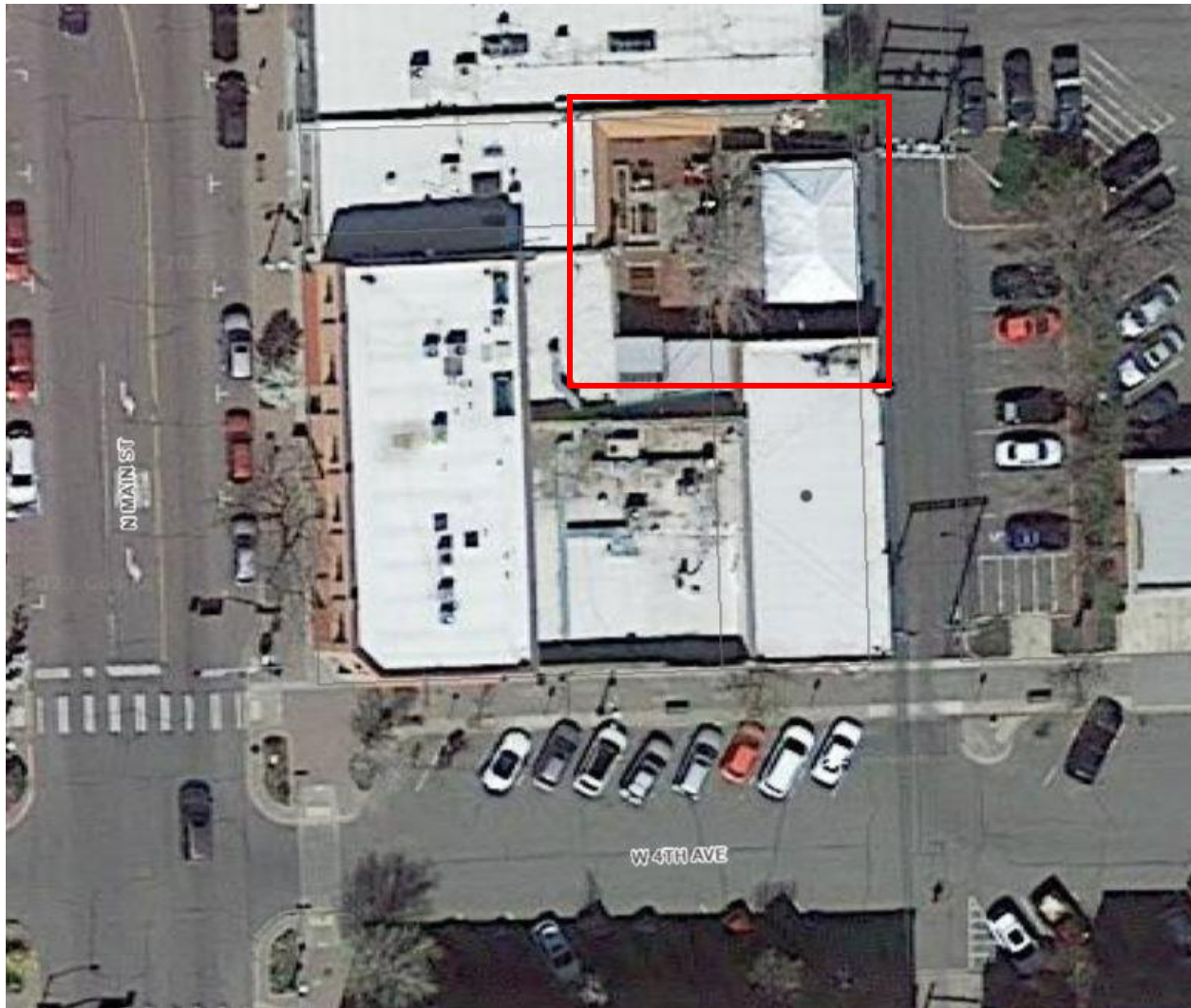
Budget Adjustment: No

**Attachments:**

1. P23-058 Exhibit A\_Location Map
2. P23-058 Exhibit B.1\_ APPLICATION
3. P23-058 Exhibit B.2\_ BUILDING PLANS
4. P23-058 Exhibit B.3\_ SITE PLAN
5. P23-058 Exhibit B.4\_ PHOTOS

## Exhibit A- Location Map

111 W 4<sup>th</sup> Ave, Ellensburg WA 98926



## Exhibit B.1- Application

RECEIVED  
6/2/23  
COMMUNITY  
DEVELOPMENT  
P23-058



# Landmarks & Design

## Certificate of Appropriateness Application

PA-10  
APPLICATION

### Community Development Department

501 N. Anderson, Ellensburg, WA 98926 (509) 962-7239 (Building) (509) 962-7231 (Planning) commdev@ci.ellensburg.wa.us

The City of Ellensburg Landmarks and Design Commission, per Section 15.280.020 of the ECC, has jurisdiction over historic districts. It safeguards the heritage of the city as represented by those buildings, districts, objects, sites and structures which reflect significant elements of Ellensburg's history.

Review of changes to Landmarks Register properties is **required**, per Section 15.280.090. "No person shall alter, repair, enlarge, newly construct, relocate or demolish any registered landmark or any property located within a Landmark District nor install any exterior sign...without review by the Landmarks and Design Commission and approval of a **Certificate of Appropriateness**". This review shall apply to **all** exterior features of the property visible from a public right-of-way. **This review applies whether or not a permit from the City of Ellensburg is required.**

### OFFICIAL USE ONLY:

|                           |         |
|---------------------------|---------|
| Staff Person:             | KB      |
| Date Submitted:           | 6-2-23  |
| Fee Total:                | N/A     |
| LDC FILE #:               | P23-058 |
| Associated Permit File #: | B23-199 |

### PROPERTY OWNER: (Note: If the Applicant is not the Owner, attach written authorization from the legal owner(s).)

|                      |                                     |             |              |
|----------------------|-------------------------------------|-------------|--------------|
| Legal Owner Name(s): | Laurmond McNight Testamentary Trust | Day Phone:  |              |
| Mailing Address:     | 117 W 4th Ave Ellensburg, WA 98926  |             |              |
| E-mail:              | thetaw@fairpoint.net                | Cell Phone: | 509-856-7800 |

### \*APPLICANT:

☐ Owner ☐ Contractor ☒ Tenant ☐ Other

|                  |                                       |             |              |
|------------------|---------------------------------------|-------------|--------------|
| Name:            | Leo D'Acquisto                        | Day Phone:  | 509-607-9186 |
| Mailing Address: | 541 Galaxy Drive Ellensburg, WA 98926 |             |              |
| E-mail:          | ldacquisto5@gmail.com                 | Cell Phone: |              |

### CONTACT PERSON:

☐ Owner ☐ Contractor ☒ Tenant ☐ Other

|                  |                                       |             |              |
|------------------|---------------------------------------|-------------|--------------|
| Name:            | Leo D'Acquisto                        | Day Phone:  | 509-607-9186 |
| Mailing Address: | 541 Galaxy Drive Ellensburg, WA 98926 |             |              |
| E-mail:          | ldacquisto5@gmail.com                 | Cell Phone: |              |

### PROJECT INFORMATION:

This application shall be submitted, with all required information, to Community Development Staff and deemed a complete application, to be considered for a public meeting. At the duly-noticed public hearing, the Landmarks and Design Commission will make a decision of whether to approve, approve with conditions or deny the Certificate of Appropriateness application. Per Section 15.210.050.B, a denial may be appealed to the City Council. Please consult with the Senior Planner for Historic Preservation if you have any questions. All projects must meet the City of Ellensburg Design Standards (Title 15) and ECC 15.70, Landscaping Requirements. A copy of the Design Standards is available at the Community Development Department or located online at [www.codepublishing.com/wa/ellensburg](http://www.codepublishing.com/wa/ellensburg).

|                          |                                |                                                          |
|--------------------------|--------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> | Parcel Number of Site:         | 357033                                                   |
| <input type="checkbox"/> | Site Address:                  | 111 W 4th Ave Ellensburg, WA 98926                       |
| <input type="checkbox"/> | City Zoning Designation:       | Downtown                                                 |
|                          | Is a building permit required: | <input type="checkbox"/> Yes <input type="checkbox"/> No |

(OVER)

**PROJECT INFORMATION:**

|                          |                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Project Description:                                          | In a separate narrative, please describe how your project complies with the guidelines for historic properties listed in Sections 15.280.090, 15.530.020 & 15.530.030.                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> | Site Plan:                                                    | <ol style="list-style-type: none"> <li>1. All building locations and dimensions to property lines and other structures.</li> <li>2. Property lines and easements.</li> <li>3. Setbacks, open space and landscaping.</li> <li>4. Rights of way, curbs, parking sidewalks.</li> </ol> (The site plan shall be legibly drawn to a minimum scale of 1:20 on substantial paper a minimum 11" x 17" size)                                                                                     |
| <input type="checkbox"/> | Parking Lot Plan:                                             | Must have preliminary approval by Public Works for parking lot plan.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> | Exterior Lighting:                                            | Identify the location, design, wattage and lighting orientation.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <input type="checkbox"/> | Exterior building alterations, rehabilitation or restoration: | <ol style="list-style-type: none"> <li>1. Scaled building elevations of all building sides.</li> <li>2. Samples of types of materials to be used in the construction.</li> <li>3. Paint colors &amp; design (each paint color applied to 8-1/2" x 11" poster board.</li> <li>4. Type of paint removal method (i.e. water, chemical, mechanical).</li> <li>5. Repointing mortar joints – pointing styles and method.</li> <li>6. Window repair/replacement/alteration detail.</li> </ol> |
| <input type="checkbox"/> | Signage:                                                      | <ol style="list-style-type: none"> <li>1. Colored design</li> <li>2. Dimensions</li> <li>3. Location – Drawing or photograph depicting sign(s) on the building or pole.</li> <li>4. Type of illumination.</li> </ol>                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> | Dumpster:                                                     | <ol style="list-style-type: none"> <li>1. Screening materials &amp; colors</li> <li>2. Location</li> </ol>                                                                                                                                                                                                                                                                                                                                                                              |
| <input type="checkbox"/> | Special Valuation                                             | Submit documentation for application for Special Valuation for Historic Purposes per ECC 15.280.110 if applicable.                                                                                                                                                                                                                                                                                                                                                                      |

PLEASE NOTE: Items marked above shall be submitted to the Community Development Department **Twenty-One (21) Calendar Days before** the regular scheduled meeting of the Landmarks & Design Commission to allow time for review, processing and advertising according to WA State Statute. The Landmarks & Design Commission meets on the first Tuesday of each month and, if needed, on the third Tuesday of each month.

Stacey Henderson, Senior Planner/ Historic Preservation, is the staff liaison to the Landmarks & Design Commission.

Telephone: (509) 925-8608

FAX: (509) 915-8655

E-mail: hendersons@ci.ellensburg.wa.us

**SIGNATURE OF LEGAL OWNER or REPRESENTATIVE AS AUTHORIZED BY THE LEGAL OWNER:**

I, Leo D'Agostino, (print name) affirm that the above responses are made truthfully and to the best of my knowledge. I hereby apply for this permit application and acknowledge that I have read this application and state that the information is correct and that I agree to comply with all city ordinances pertaining to this permit if granted.

I further affirm that I am the owner of record of the area proposed for the above-identified land use action or, if not the owner, attached herewithin is written permission from the owner(s) authorizing my actions on his/her/their behalf.

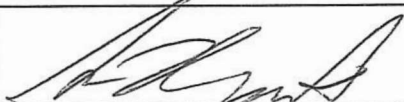
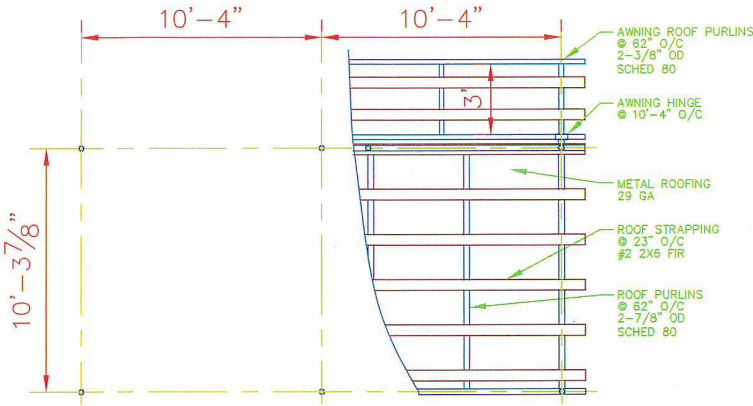
|                                                    |                                                                                     |       |           |
|----------------------------------------------------|-------------------------------------------------------------------------------------|-------|-----------|
| Signature of Legal Owner:<br>(or Authorized Agent) |  | Date: | 5/30/2023 |
|----------------------------------------------------|-------------------------------------------------------------------------------------|-------|-----------|

Exhibit B.2- Building Plans

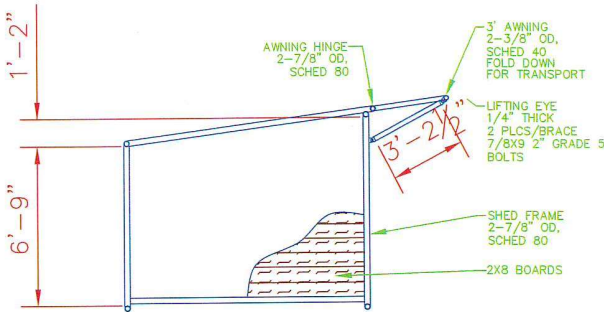
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DEVELOPMENT  
P23-058  
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JUN 01 2023  
COMMUNITY DEVELOPMENT

NOTES:

-UNLESS OTHERWISE SPECIFIED, ALL STEEL FRAME'S ARE BUILT WITH 2-7/8",  
SCHEDULE 80 PIPE.



10'X20' PORTABLE SHED  
3/16" = 1'



SIDE ELEVATION  
3/16" = 1'

|                                                |              |                           |              |
|------------------------------------------------|--------------|---------------------------|--------------|
| TITLE: PLAN VIEW, ELEVATION VIEW               |              |                           |              |
| PROJECT: 10'X20' PORTABLE SHED, WITH 3' AWNING |              |                           |              |
| CLIENT: LEO D'ACQUISTO                         |              | DRAWING NO. PR-1020A3-001 |              |
| PALOUSE<br>RANCHES                             | MODELED BY:  | DATE:                     |              |
|                                                | DRAWN BY: JO | DATE: 05.31.2023          |              |
|                                                | ENG APPR:    | DATE:                     |              |
|                                                | MAN APPR:    | DATE:                     |              |
| SCALE: AS SHOWN                                |              |                           | SHEET 1 OF 1 |

Exhibit B.3- Site Plan

Side walk

Side walk

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JUN 01 2023

COMMUNITY DEVELOPMENT

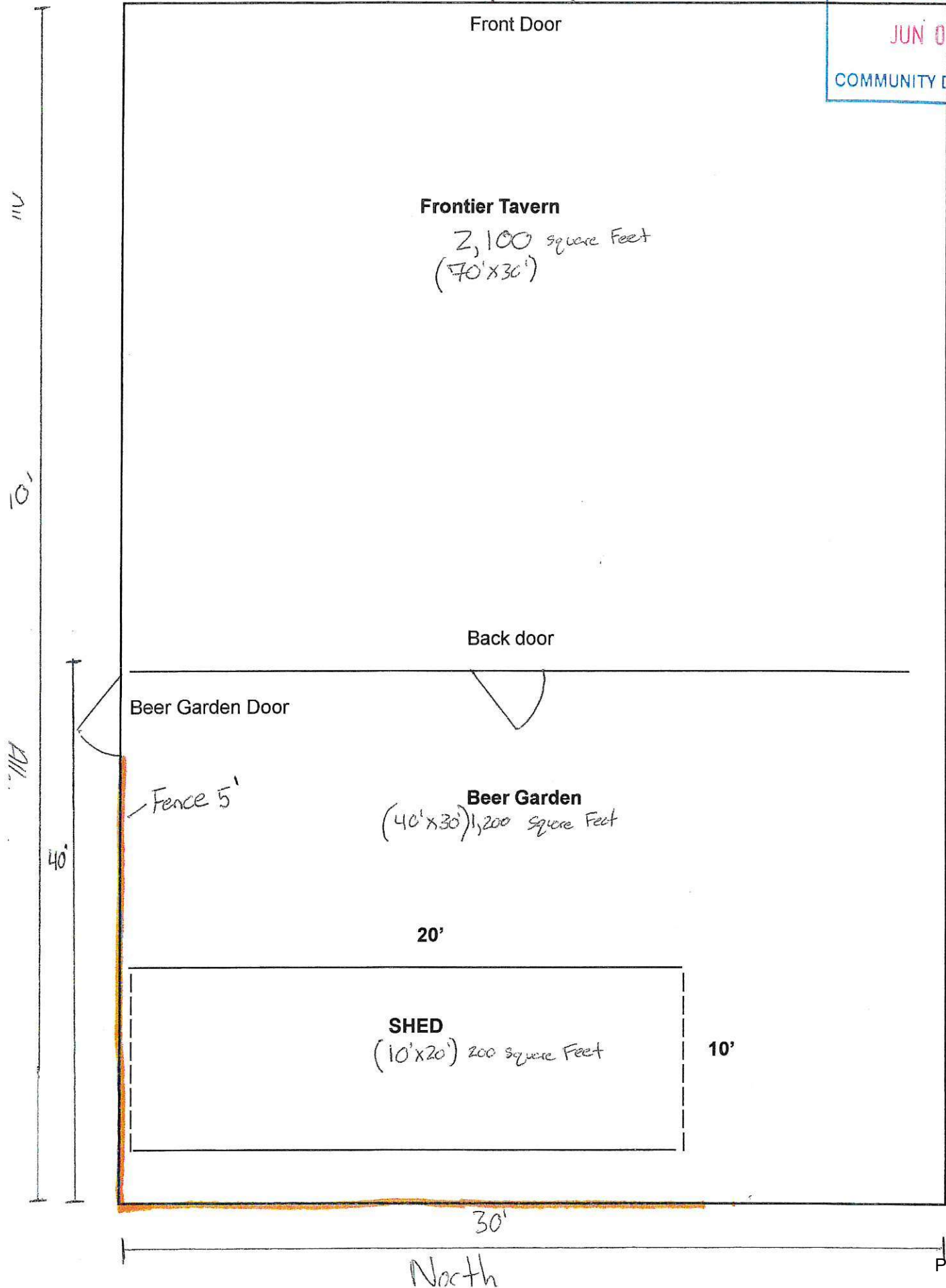
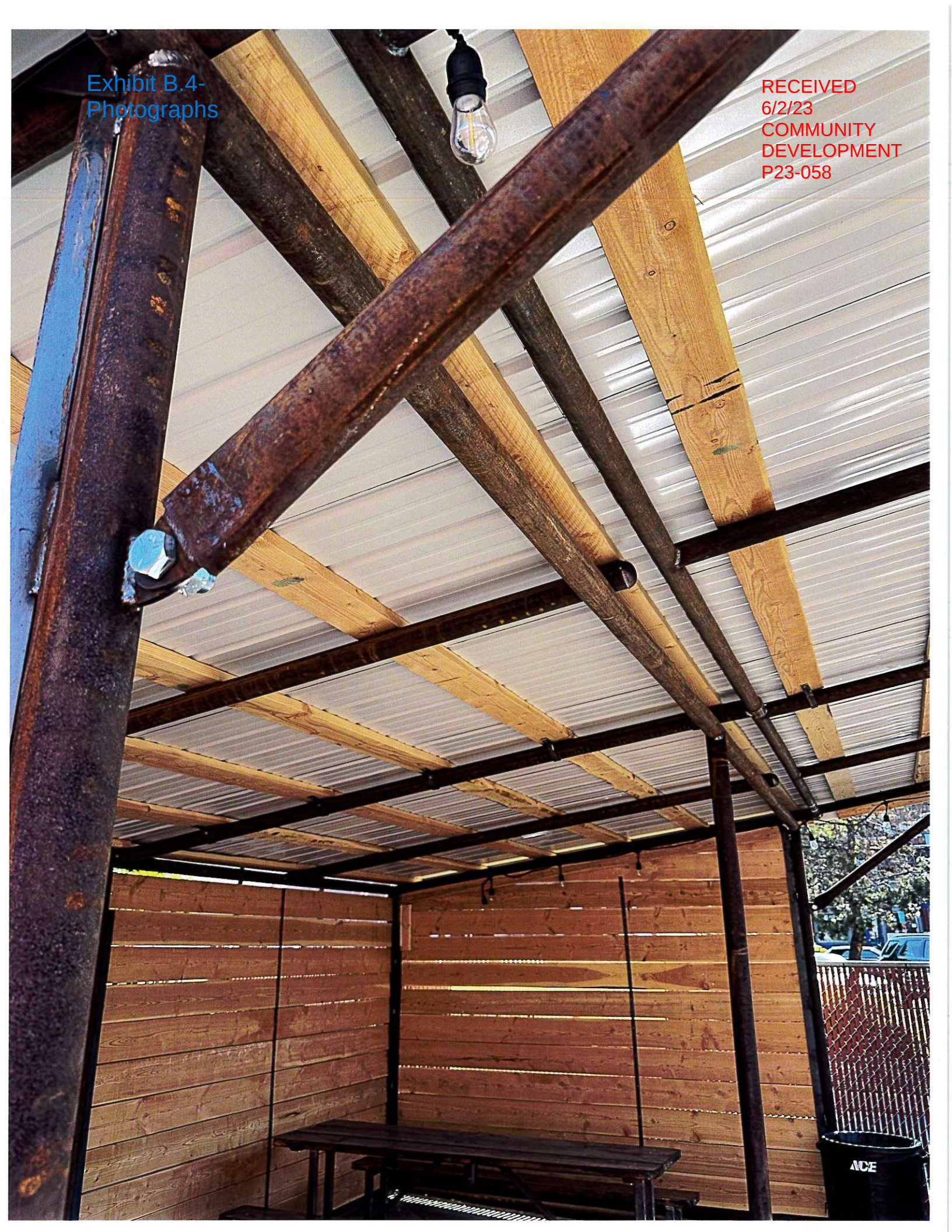
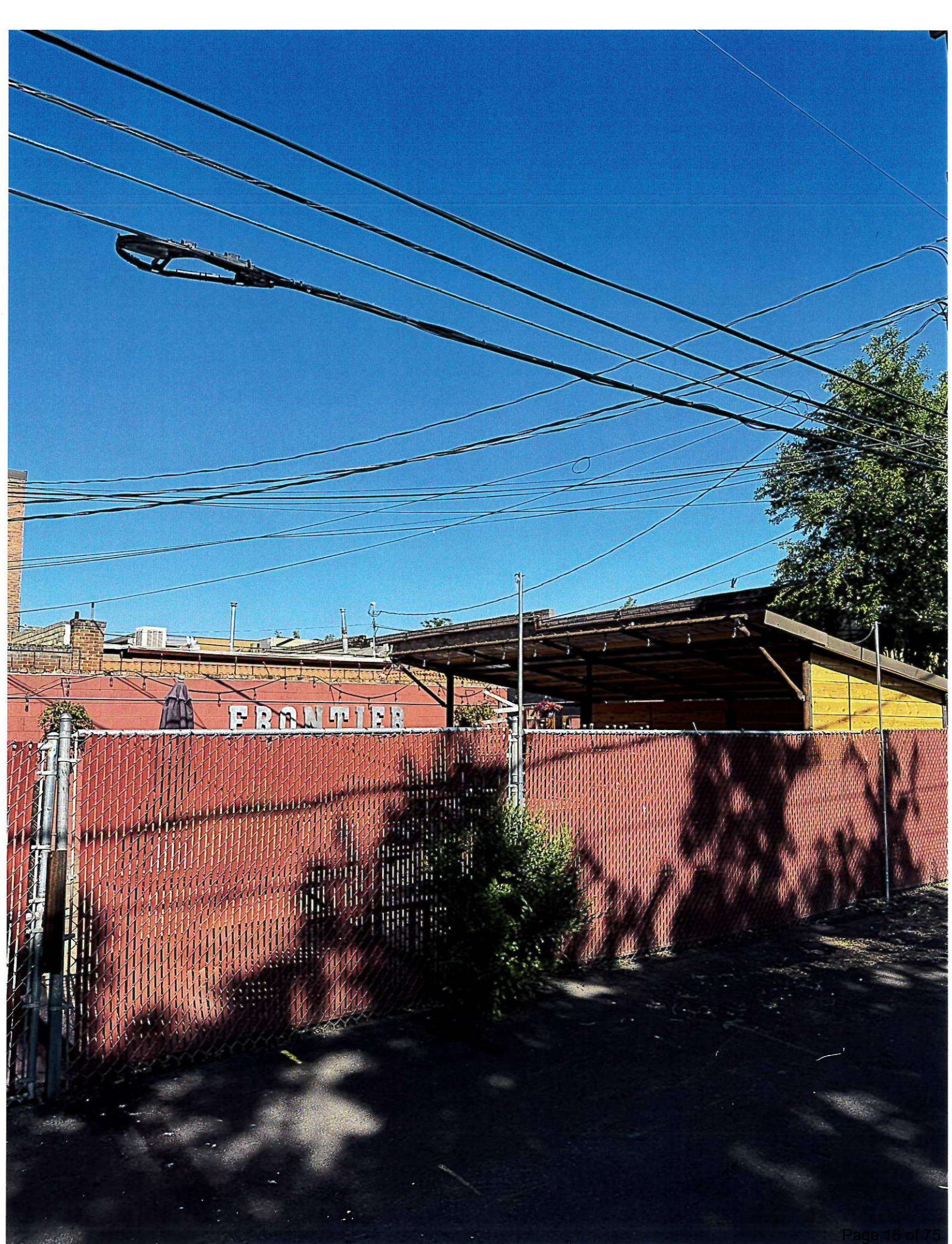
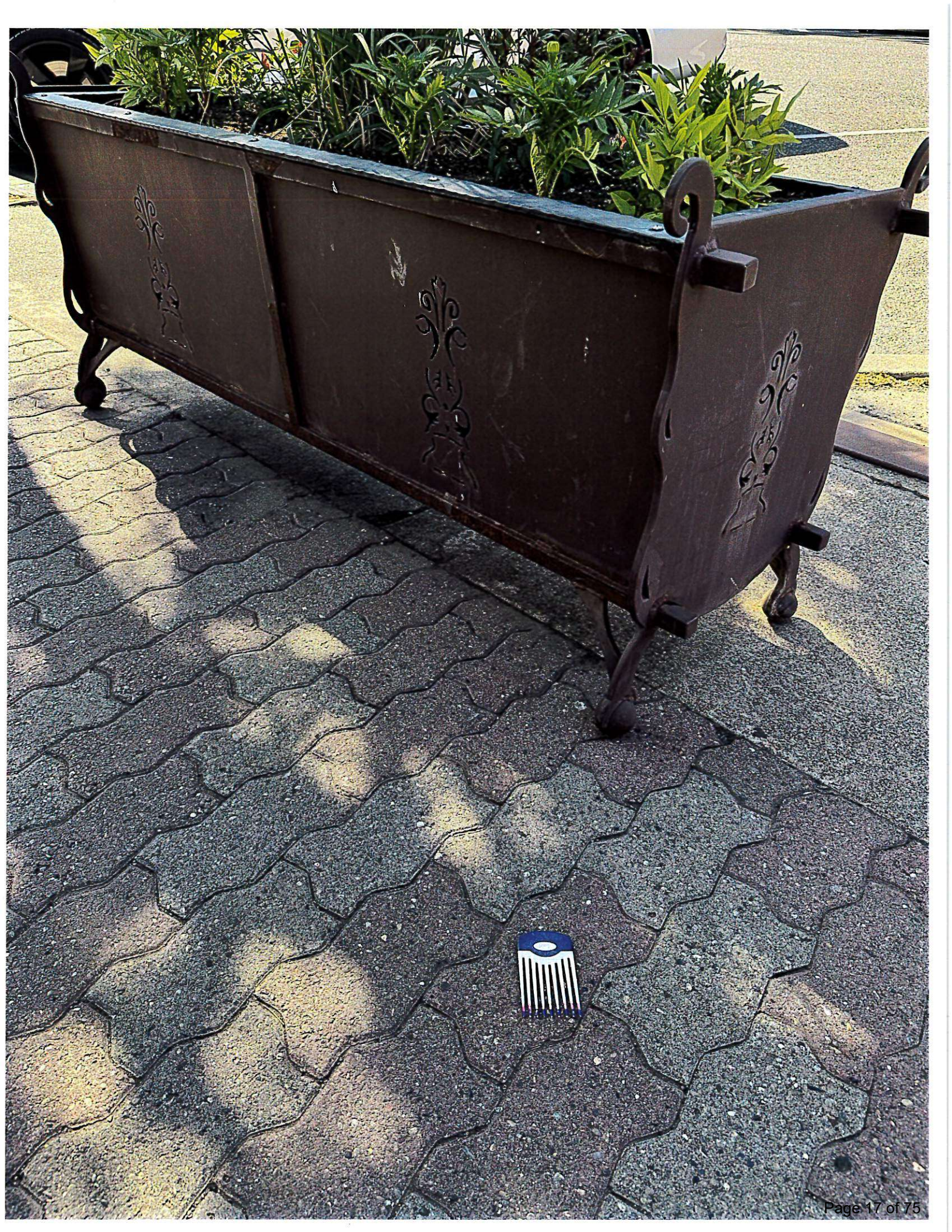


Exhibit B.4-  
Photographs

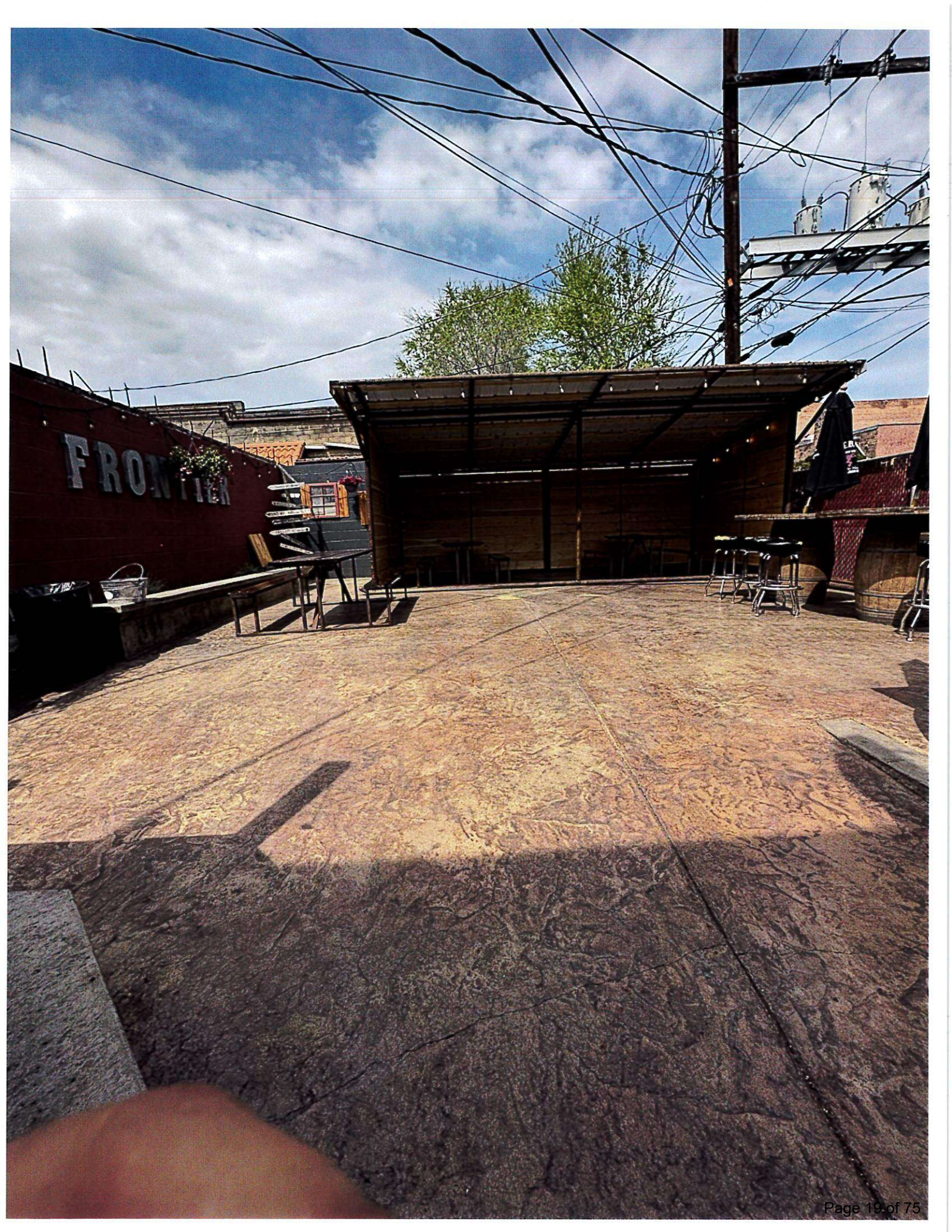
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COMMUNITY  
DEVELOPMENT  
P23-058



















Meeting Date: July 18, 2023

City of Ellensburg

## Landmarks & Design Commission Agenda Report

**Agenda Subject:** Roberts Rules Process Discussion  
**Submitted by:**  
**Department:** Community Development

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### Suggested Motion/Action:

#### Background/Summary:

Staff will present on Roberts Rules of Order and Open Public Meetings Act Training. Presentation will include short video, talking points, and time for questions. Attached are additional resources that may be helpful.

Elected officials and our board and commission members are required to complete Open Public Meetings Act (OPMA) training within 90 days after appointment and **refresher training every four years thereafter** (RCW 42.30.205).

There are online resources to complete the training through AWC or the Attorney General's Office. Below are two links to choose from:

[Open Public Meetings Act eLearning \(wacities.org\)](http://wacities.org)

[LESSON 3: OPEN PUBLIC MEETINGS ACT – RCW 42.30 | Washington State](#)

#### Previous Council Action:

#### Analysis:

#### Financial Impact:

Budget Adjustment: No

#### Attachments:

1. REFERENCE MATERIALS Ellensburg 2022 07 05
2. Guidelines for Public Comment
3. Sample Public Comment Announcement

4. Citizens Guide\_2017-12-11

# Reference Materials

Ann G. Macfarlane

*Professional Registered Parliamentarian*



REFERENCE MATERIALS  
for  
City of Ellensburg WA Workshop  
July 5, 2022

1. Cheat Sheet: Language tips for meeting management
2. Citizen Advisory Committee Pitfalls
3. Eight steps to process a motion
4. Essential Guidelines for Citizen Advisory Committees
5. Essential Guidelines for City Councils
6. Essential Guidelines for Planning Commissions
7. Follow four fundamental guidelines
8. Inappropriate Remarks on Local Government Councils
9. Lost the vote? Don't sabotage the council's action
10.     Make Better Decisions Using the Exploratory Round Robin
11.     Point of Order and Appeal are the heart of democracy
12.     Rights and Responsibilities of the Member
13.     Sample Discussion Guidelines for Local Governments
14.     Successful staff interaction in local government meetings
15.     The chair is not in charge of your meeting
16.     Time limits create productive meetings
17.     When public pressure is intense

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# CHEAT SHEET

## LANGUAGE TIPS FOR MEETING MANAGEMENT

| SITUATION                                                           | CHAIR CAN SAY                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Call to order                                                       | <i>This meeting of the [name of organization] is called to order.</i>                                                                                                                                                                                                                                                                                                                   |
| Unanimous consent                                                   | <i>Without objection... If there is no objection...</i>                                                                                                                                                                                                                                                                                                                                 |
| To begin discussion                                                 | <i>It has been moved and seconded that... Is there any discussion?</i>                                                                                                                                                                                                                                                                                                                  |
| If there is no second                                               | <i>Since there is no second, the motion will not be considered.</i>                                                                                                                                                                                                                                                                                                                     |
| To end discussion                                                   | <i>Is there any further discussion? or Are you ready to vote?</i>                                                                                                                                                                                                                                                                                                                       |
| Process Point of Order                                              | <ol style="list-style-type: none"> <li>1. Member says, "Point of Order."</li> <li>2. Chair says, "State your point."</li> <li>3. Member explains issue.</li> <li>4. Chair says, "The point is well taken," or "The point is not well taken."</li> </ol>                                                                                                                                 |
| When someone says "Point of Order" but can't explain what they mean | <i>What rule has been broken?</i>                                                                                                                                                                                                                                                                                                                                                       |
| Process Point of Information                                        | <ol style="list-style-type: none"> <li>1. Member says, "Point of Information."</li> <li>2. Chair replies, "State your question."</li> <li>3. Member states question.</li> <li>4. Chair can respond three ways: <ul style="list-style-type: none"> <li>▶ Respond yourself.</li> <li>▶ Ask someone else to respond.</li> <li>▶ Say, "We'll get back to you later."</li> </ul> </li> </ol> |
| When "Point of Information" is misused to give information          | <i>What information does the member need in order to decide how to vote?</i>                                                                                                                                                                                                                                                                                                            |
| If someone is dominating the meeting                                | <i>No one may speak a second time until everyone who wishes to do so has spoken once. Does anyone else wish to speak on this topic?</i>                                                                                                                                                                                                                                                 |
| When comments are not germane (relevant)                            | <i>Members will kindly keep their remarks strictly to the topic under discussion.</i>                                                                                                                                                                                                                                                                                                   |
| If people are whispering                                            | <i>Members will kindly refrain from sidebar conversations.</i>                                                                                                                                                                                                                                                                                                                          |
| Adjourning the meeting                                              | <i>There being no further business, this meeting is adjourned.</i>                                                                                                                                                                                                                                                                                                                      |

- Strive to be firm, fair and friendly.
- Use the "third person" to keep things neutral and lessen conflict.
- Give up on the word *but*. Always say *and*.
- Say *kindly*, not *please*, which sounds like pleading.
- Say *very well* and move on.
- Beware of "negativity bias." No frowning, no sarcasm, no eye-rolling.
- Keep an emotional connection with the members by emphasizing what we have in common.



# CITIZEN ADVISORY COMMITTEE PITFALLS

| SITUATION                                                                                                                   | COMMISSION MEMBER...                                                                                                                              | PITFALL                              |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 1. The planning commission is considering a request to lower a setback from 50 feet to 20 feet.                             | Isn't there a better place in the city to site this hotel?                                                                                        | Confusion about scope                |
| 2. The environmental commission is considering recommending setting aside some wetlands.                                    | I think we can't address this until the University report comes out in five years.                                                                | Asking for the moon                  |
| 3. There doesn't seem to be an attractive option for the new community swimming pool. Both sites have environmental issues. | The planning commission and the city can't resolve this issue. I move that we recommend that the city carry out a referendum!                     | Shrinking from hard choices          |
| 4. The arts commission is considering a report about the museum.                                                            | I was on my honeymoon in Norway and I just haven't had time to study this.                                                                        | Failure to read packet               |
| 5. There is mixed public opinion about a developer's plans to site a shopping center near the main road.                    | When we're getting so many different conflicting views on this, I think we should just punt for another six months.                               | Decision delay                       |
| 6. There has been a public outcry about changes to the irrigation district boundaries.                                      | Six of my neighbors are very upset about this. They've taken the trouble to come to our meetings, so we should do what they want.                 | Deafened by decibels                 |
| 7. The staff have made a recommendation to purchase a historic farm site as a museum.                                       | Why are the staff making this recommendation? I think we're wasting our money on staff salaries. Only citizens really understand the issues here. | Confusion about staff role           |
| 8. The commission is discussing plans for a new hiking trail along the river.                                               | I think we have to analyze what kind of paving stones are best, so teeny-tiny rocks don't get stuck in the paws of our dinosaur residents.        | Lost in the weeds/analysis paralysis |
| 9. The staff has carried out a survey.                                                                                      | Since I'm a professional surveyor, I can re-do the survey to verify it.                                                                           | Confusion about your job             |
| 10. There's a lot of dubious activity going on the 110-acre park to the east of town.                                       | I move that all parks commissioners be issued T-shirts saying "Parks Commission" and be authorized to issue tickets to offenders.                 | Confusion about scope                |

# Eight Steps To Process A Motion

**Member A:** *I move that we hold a cruise on Dino Bay.*

**Member B:** *I second the motion!*

**Chair:** It has been moved and seconded that we hold a cruise on Dino Bay. We will now debate the motion. [debate]

**Chair:** Are you ready to vote?

The motion is that we hold a cruise on Dino Bay. All those in favor say “aye.” All those opposed say “no.” The “ayes” have it, the motion passes, and we will hold a cruise on Dino Bay. The Social Committee will make the plans for this event. Our next item of business is...

## Eight steps to process a motion

1. Member makes a motion.
2. Another member seconds motion.
3. Chair states motion.
4. Members discuss and/or amend motion.
5. Chair restates motion and calls for the vote.
6. Members vote on motion.
7. Chair states results of vote, whether motion passes or fails, and what happens as result of vote.
8. Chair states next item of business.

In taking the vote, the presider must call for the negative vote, or the vote is not legitimate.

The presider has a duty to make things clear so that members understand what they are doing.



# Essential Guidelines for Citizen Advisory Committees



Bicycle & Pedestrian Advisory Committee. © City of Olympia WA 2019.

The work of the Citizen Advisory Committee is to carry out the council's instructions. Follow these essential guidelines of parliamentary procedure to take the pain out of your meetings, hold productive discussions, and serve your community better.

## ► BASICS

A quorum must be present for business to be done. Usually a quorum means a majority (more than half) of the voting members in office.

The chair runs the meeting in the service of the committee. He is not the “boss” but serves as a facilitator, helping the committee to hold free and fair discussion and make good decisions.

Ordinarily a committee member must make a motion before any discussion begins. If there is no second, the motion is not taken up.

If a member makes a motion to amend the main motion, it is discussed and voted on before the main motion. After amending a motion, a vote must be taken on the main motion as amended.

After discussion, the chair calls for the vote and announces the result. The motion passes when a majority of those voting vote in favor, unless committee bylaws require a higher vote. This is different from the requirement for a quorum.

If someone “calls the question,” the chair must take a vote on whether to vote now or continue discussion. It takes a 2/3 vote to cut off discussion.



---

## ► DISCUSSION

All committee members have equal rights, privileges and obligations. This means that discussion is not a conversation, but follows some important rules:

- The chair recognizes speakers in turn.
- No one may speak a second time until everyone who wishes to do so has spoken once.
- Interrupting is not allowed.

Committee members must be courteous and respectful. They may not make inappropriate remarks such as personal remarks, insulting language, or comments that are irrelevant.

If a committee member breaks the rules, the chair may correct him, or another committee member may raise a point of order. The chair rules as to whether the point is correct, or not. A committee member who disagrees with a ruling of the chair may appeal it. If another member seconds the appeal, the committee decides.

The minority must be provided equal opportunity to debate, even if their views are unpopular. However, the decision of the majority voting at a meeting is the decision of the committee as a whole.

## ► PUBLIC INPUT

Public hearings and other quasi-judicial proceedings must be run according to the requirements of state law.

Public comment sessions offer an opportunity for members of the public to inform the committee of their views. We recommend not entering into back-and-forth exchanges. Community forums, one-on-one discussion, feedback forms on the website, surveys etc. are better channels for an exchange of views.

Under the First Amendment to the U.S. Constitution, the public is not bound by the same rules of decorum and courtesy as the committee members.

The public should not engage in clapping, booing, hissing or other disruptive actions, since they intimidate speakers, may suppress free speech, and impede the work of the committee.

### **Essential Guidelines for Citizen Advisory Committees**

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# Essential Guidelines for City Councils



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Follow these essential guidelines of parliamentary procedure to take the pain out of your meetings, hold productive discussions, and serve your community better.

## ► BASICS

A quorum must be present for business to be done. Usually a quorum means a majority (more than half) of the voting members in office.

The chair runs the meeting in the service of the council. He is not the “boss” but serves as a facilitator, helping the council to hold free and fair discussion and make good decisions.

Ordinarily a councilmember must make a motion before any discussion begins. If there is no second, the motion is not taken up.

If a member makes a motion to amend the main motion, it is discussed and voted on before the main motion. After amending a motion, a vote must be taken on the main motion as amended.

After discussion, the chair calls for the vote and announces the result. The motion passes when a majority of those voting vote in favor, unless state law or your rules of procedure require a higher vote. This is different from the requirement for a quorum.

If someone “calls the question,” the chair must take a vote on whether to vote now or continue discussion. It takes a 2/3 vote to cut off discussion.

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## ► DISCUSSION

All members have equal rights, privileges and obligations. This means that discussion is not a conversation, but follows some important rules:

- The chair recognizes speakers in turn.
- No one may speak a second time until everyone who wishes to do so has spoken once.
- Interrupting is not allowed.

Councilmembers must be courteous and respectful. They may not make inappropriate remarks such as personal remarks, insulting language, or comments that are irrelevant.

If a councilmember breaks the rules, the chair may correct him, or another councilmember may raise a point of order. The chair rules as to whether the point is correct, or not. A councilmember who disagrees with a ruling of the chair may appeal it. If another member seconds the appeal, the council decides.

The minority must be provided equal opportunity to debate, even if their views are unpopular. However, the decision of the majority voting at a meeting is the decision of the council as a whole.

## ► PUBLIC INPUT

Public hearings and other quasi-judicial proceedings must be run according to the requirements of state law.

Public comment sessions offer an opportunity for members of the public to inform the council of their views. We recommend not entering into back-and-forth exchanges. Community forums, one-on-one discussion, feedback forms on the website, surveys etc. are better channels for an exchange of views.

Under the First Amendment to the U.S. Constitution, the public is not bound by the same rules of decorum and courtesy as the councilmembers.

The public should not engage in clapping, booing, hissing or other disruptive actions, since they intimidate speakers, may suppress free speech, and impede the work of the council.

### **Essential Guidelines for City Councils**

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# Essential Guidelines for Planning Commissions



The work of the Planning Commission is to carry out the council's instructions. Follow these essential guidelines of parliamentary procedure to take the pain out of your meetings, hold productive discussions, and serve your community better.

## ► BASICS

A quorum must be present for business to be done. Usually a quorum means a majority (more than half) of the voting members in office.

The chair runs the meeting in the service of the commission. He is not the “boss” but serves as a facilitator, helping the commission to hold free and fair discussion and make good decisions.

Ordinarily a member must make a motion before any discussion begins. If there is no second, the motion is not taken up.

If a member makes a motion to amend the main motion, it is discussed and voted on before the main motion. After amending a motion, a vote must be taken on the main motion as amended.

After discussion, the chair calls for the vote and announces the result. The motion passes when a majority of those voting vote in favor, unless state law or your rules of procedure require a higher vote. This is different from the requirement for a quorum.

If someone “calls the question,” the chair must take a vote on whether to vote now or continue discussion. It takes a  $\frac{2}{3}$  vote to cut off discussion.



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## ► DISCUSSION

All members have equal rights, privileges and obligations. This means that discussion is not a conversation, but follows some important rules:

- The chair recognizes speakers in turn.
- No one may speak a second time until everyone who wishes to do so has spoken once.
- Interrupting is not allowed.

Commission members must be courteous and respectful. They may not make inappropriate remarks such as personal remarks, insulting language, or comments that are irrelevant.

If a commissioner breaks the rules, the chair may correct him, or another commissioner may raise a point of order. The chair rules as to whether the point is correct, or not. A commissioner who disagrees with a ruling of the chair may appeal it. If another member seconds the appeal, the commission decides.

The minority must be provided equal opportunity to debate, even if their views are unpopular. However, the decision of the majority voting at a meeting is the decision of the commission as a whole.

## ► PUBLIC INPUT

Public hearings and other quasi-judicial proceedings must be run according to the requirements of state law.

Public comment sessions offer an opportunity for members of the public to inform the commission of their views. We recommend not entering into back-and-forth exchanges. Community forums, one-on-one discussion, feedback forms on the website, surveys etc. are better channels for an exchange of views.

Under the First Amendment to the U.S. Constitution, the public is not bound by the same rules of decorum and courtesy as the commission members.

The public should not engage in clapping, booing, hissing or other disruptive actions, since they intimidate speakers, may suppress free speech, and impede the work of the commission.

## Essential Guidelines for Planning Commissions

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# Follow four fundamental guidelines for successful meetings



Gig Harbor, Washington City Council. ©Jurassic Parliament 2018.

Robert's Rules of Order includes **four fundamental guidelines** that will create successful meetings. They are easy to say but take some effort to apply, since prevailing culture is often very different. Run your meetings according to these guidelines so your meetings—and your organization—will flourish.

## **I. The person running the meeting is the servant of the group, and the group is the final authority.**

We are so used to our work situation, where the “boss” is in charge of the “employees,” that we often bring the same habits of mind to meetings of nonprofit boards, city councils, and other volunteer organizations. But in a board of directors or a council, all the members have equal standing. They are peers, and **the leader is one among equals**.

The chair has special duties to RUN the meeting, but does not determine the OUTCOME of the meeting. It is the group that must decide what it wishes to do. It is the chair's duty to assist the group in this task. And the group has the ability to overturn a decision or ruling made by the chair. Read about Point of Order and Appeal [on our website](http://www.jurassicparliament.com) to learn how this is done.

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## **II. All members have equal rights, privileges and obligations. To ensure this, no one may speak a second time until everyone who wishes to do so has spoken once.**

Every member of a board has an equal right to speak. In practice, however, boards often discuss their affairs in conversational mode. And in conversations, dominant people tend to dominate, and agreeable people tend to let them.

This often leads to a few people dominating the discussion, which is not fair and can lead to poor outcomes. Your quiet, introverted members have important insights that need to be heard.

If you adopt and apply the rule that **no one may speak a second time until everyone who wishes to do so has spoken once**, you will find that your meetings take on an entirely different nature—for the better!

## **III. Courtesy and respect are required at all times.**

In these difficult times, people can be loud, rude and disorderly at meetings. Your chair and your members must insist on **courtesy and respect at all times**. These are not frills, but vital to the democratic process. No personal remarks, no insulting language, no attacks, no interrupting, no sidebar conversations, no disrespectful body language. If this happens, gently but firmly put a stop to it. Read about inappropriate remarks on our website ([local government here](#) and [nonprofit boards here](#)).

## **IV. One thing at a time**

When a group is discussing a certain item, it must stick with that item, or make a conscious decision to set it aside to deal with something else. **You can't slip from one topic to another**, but must be deliberate in how and when you address each issue. Create a thoughtful agenda, time each item, and follow the agenda with flexible care.

Try these four guidelines, which we explain in greater detail in our [book](#), and see what a difference they make to your meetings.

### **Follow four fundamental guidelines for successful meetings**

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# Inappropriate Remarks on Local Government Councils



If you serve as an elected official on a local government council or board, you should know the types of remarks that are inappropriate during discussion at a meeting. Robert's Rules of Order and the common parliamentary law it is based on require that:

- Members of a council or board must be courteous to one another.
- They must speak to the issues, and not to personalities.
- They must stay on topic, and keep their remarks relevant to the item at issue.

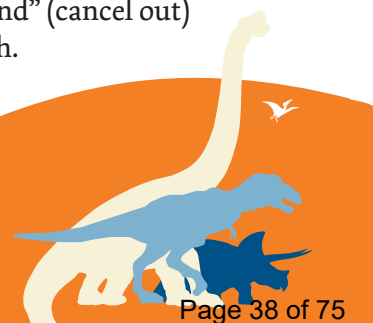
## ► Why are these remarks inappropriate?

A list of inappropriate remarks is given below. They are inappropriate because they are considered to be “not germane” (irrelevant) to discussion. We are offering parliamentary information here, and nothing in this paper constitutes legal advice. It is a fact, however, that courts have affirmed the right of councils and boards to define the frame of reference for their discussions, and to require elected members of the council or board to keep their remarks “germane” (relevant).

## ► List of inappropriate remarks that are not germane under Robert's Rules of Order

1. Personal remarks – remarks that pertain to an individual's appearance, background, ethnicity or other personal aspects, rather than their views on issues.
2. Insults, obscenity, vulgarity and personal attacks.
3. Inflammatory language – remarks that incite high emotions rather than addressing the issues.
4. Criticizing past actions of the group, with two exceptions:
  - a. If the group itself is discussing a past action, it is fine to criticize it.
  - b. If the council member intends to propose to “amend” (change) or to “rescind” (cancel out) the action at the end of his speech, they may criticize it during their speech.
5. Remarks that are not “germane” (relevant) to the discussion.

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► **Can members of the public make these inappropriate remarks?**

These restrictions apply to discussion by the members of the council or board themselves, and not to the public. When citizens or residents offer public comment, they have greater freedom than the elected officials. The council may set time limits for public comment, or require that public comment be limited to a subject under discussion by the council or board. However, any such restrictions must be “viewpoint neutral.” Under the First Amendment to the U.S. Constitution, councils may not discriminate in favor of one point of view over another.

► **Who decides that a remark is inappropriate?**

The chair of the meeting has the duty of enforcing the rules and should speak up and stop a council member who makes one of these remarks. If the chair neglects to do this, any council member can raise a Point of Order. When that happens, the chair makes a ruling as to whether the remark can be allowed in discussion.

Any two council members can challenge the chair’s ruling by appealing it. In that case, the council or board will decide, by majority vote, whether the remark can be made. There are no “parliamentary police”—the council itself interprets its own rules, based on its chosen parliamentary authority, and decides what remarks can be allowed in discussion, and what not. The council is the final authority—subject of course to any legal advice you receive from your attorney.

Note that Appeals pertaining to language and decorum may not be debated. It is just a straight up/down vote. Learn more about Point of Order and Appeal [in this blog post](#).

► **Where can I find the inappropriate remarks in Robert’s Rules of Order?**

You can find the rules about these remarks in *Robert’s Rules of Order Newly Revised, 11th edition*, the only current authorized version of Robert’s Rules, on pages xxxiv, 43, and 392-393.

*Thank you for your interest in running effective meetings using Robert’s Rules of Order. Visit our website, [www.jurassicparliament.com](http://www.jurassicparliament.com), for much more information on how to do this. Or contact us at [info@jurassicparliament.com](mailto:info@jurassicparliament.com) or 206-542-8422. We look forward to hearing from you!*

**inappropriate Remarks on Local Government Councils**

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# Lost the vote? Don't sabotage the council's action



We've had inquiries recently about elected officials who lost a vote, and then actively worked against the outcome. This amounts to trying to sabotage the council. It is wrong, wrong, wrong.

## THE MAJORITY RULES

General Henry Martyn Robert, the original author of *Robert's Rules of Order*, expresses it this way:

*The great lesson for democracies to learn is for the majority to give to the minority a full, free opportunity to present their side of the case, and then for the minority, having failed to win a majority to their views, gracefully to submit and to recognize the action as that of the entire organization, and cheerfully to assist in carrying it out, until they can secure its repeal.*

—Quoted in *Robert's Rules of Order Newly Revised*, 12th edition, p. xlvii

This is a fundamental principle of our system of government. It is embedded in our common law heritage, and our entire society. Government and its administration cannot function optimally, cannot best serve the citizens, and cannot advance, if the very people who are elected to serve choose to pursue their own private views against the decision of the body they belong to. When elected officials “go rogue” and work against their organization's action, they are violating their fiduciary duties of loyalty and obedience. Even more, they are assaulting the foundation of our democracy.

For these reasons, we consistently tell officials: If you lost the vote, you have an obligation to accept the vote as the decision of your body. Your agreement to serve as a public official carries with it the duty to support the fundamental principle of our system of government. You may express your disagreement in public (see our article [Criticizing a board decision in public](#)). However, you should not take a single step to undermine the decision, because that would harm the organization which you have a duty to serve.



## IS SOMEBODY TRYING TO SABOTAGE YOUR COUNCIL?

If you are dealing with such a situation, we recommend getting advice from your attorney about the law in your state. Review your bylaws and this quotation from *Robert's Rules of Order*:

*An organization or assembly has the ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes.*

—*Robert's Rules of Order Newly Revised, 12th edition, 61:1*

Once you are armed with the law and the rules, discuss the matter with the independent-minded member in private (if the sunshine laws in your state allow two members to have a private conversation). They may need help understanding the issue. Explain what is wrong with their attempt at sabotage, and show the importance of allowing the body's action to stand. If that doesn't work, it may be necessary to bring it up at a public meeting of your council or board. And if public shaming fails to have any effect, you may have to sanction the member (see our article, [Sanctioning rogue board members](#)).

## BEING ELECTED LIMITS ACTIONS YOU MAY TAKE

American individualism is a great thing, but when you accept election to a local governmental body, you give up some of your First Amendment rights and some of your freedom of action. You agree to put the welfare of the organization above your own interest. You agree to compromise. You agree to follow the rules your body has adopted. And you agree that the entire body chooses its course of action, not any one self-interested individual. It ain't easy! But it's the American way.

## EXAMPLES OF ATTEMPTS TO SABOTAGE

Here are instances I have encountered of attempted sabotage:

- A planning commissioner publishes letters opposing the decisions of the commission and complaining about the members.
- A city council takes a position on the status of the wetlands in response to a request from the state department of ecology. Three minority members send a letter to the department saying that they disagree with the city's position.
- The school board has approved a large bond issue. A member who disagrees publishes an Op-Ed in the local newspaper urging citizens to vote against the bond.

Have you had to deal with attempted sabotage? [Let us know!](#)

**Lost the vote? Don't sabotage the council's action**

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# Make Better Decisions Using the Exploratory Round Robin



You can make better decisions about complicated proposals by using the Exploratory Round Robin. This method combines the best of Robert's Rules and the best of consensus methods.

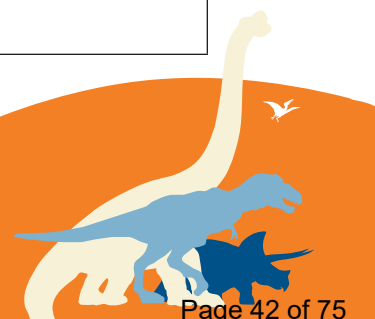
The chair or a member says, "I move that we discuss this proposal using the Exploratory Round Robin." If the body agrees, it means that members have waived their right to offer motions or amendments during the first round of discussion, in order to discover the entire range of concerns, questions, and ideas held by the members. Action comes later.

This makes it easy to see where the "sticking points" are, and to see what line of approach would be most beneficial. It also solves two problems with the Robert's Rules of Order system of motions and amendments (see below).

## HOW TO USE THE EXPLORATORY ROUND ROBIN

1. When you have a complex issue to discuss, it is helpful if members review it in advance to think about the issue and mentally prepare.
2. At the meeting, staff presents the issue and their recommendation.
3. The chair then goes around the room, asking each person in turn to make their comments. Members describe what they see as positive, what they see as negative, and their questions. We recommend that everyone have a pencil in hand, to be ready with questions or points when their turn comes.
4. Staff note the comments on a whiteboard, computer or flipchart, using this diagram, so everyone can see them. If someone repeats an earlier comment, a hashmark is added to that comment.

| + (positives) | Δ (negatives) | ? (questions) |
|---------------|---------------|---------------|
|               |               |               |



5. Members may pass, and speak at the end of the round if desired.
6. No one may speak a second time until everyone who wishes to do so has spoken once.
7. No one makes any motions during this round. It is purely to gather information.
8. The chair does not answer questions or make comments during the round, but waits until the end to provide comments. This can be a challenge for the chair, but it is necessary!
9. After the first round, the staff answer questions that were raised.
10. The group can then hold another round, or engage in open discussion, as the group chooses.
11. The chair then summarizes comments and observations and may suggest the next step.  
Alternatively, if the group is ready, a member may propose a motion, which may be
  - To approve the proposal.
  - To amend the proposal.
  - To refer the item back to a committee or staff for further study, to report back on a given day.
  - To postpone a decision on the item until the next meeting.
12. Any such motion is processed using the normal decision-making methods of your organization.

### ADVANTAGES OF THE EXPLORATORY ROUND ROBIN

This method of discussion enables the group to collect everyone's views BEFORE moving into the action phase of the meeting. It also allows the staff to answer questions and concerns in an efficient way. Often it becomes quite clear that the group is ready, or not ready, to move ahead.

This method also avoids two problems that exist with the Robert's Rules system of motions and amendments, namely:

- Once a member has proposed an amendment, the group must discuss that amendment, which may not be the best topic for the group to address. Sometimes it is better to tackle the larger issue of the main motion before taking on amendments.
- Once a member has proposed an amendment, no one else may speak on the main motion until the amendment is processed. This can deprive some of the members of their opportunity to speak on the main motion.

A group that is willing to use the Exploratory Round Robin will find that its meetings are much more effective than the usual "back-and-forth" of meeting discussion.

*Thank you for your interest in running effective meetings using Robert's Rules of Order.*

*Visit our website, [www.jurassicparliament.com](http://www.jurassicparliament.com), for much more information on how to do this.*

*Or contact us at [info@jurassicparliament.com](mailto:info@jurassicparliament.com) or 206-542-8422. We look forward to hearing from you!*

### Make Better Decisions Using the Exploratory Round Robin

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# Point of Order and Appeal are the heart of democracy



In our view, the motions Point of Order and Appeal are the heart of our democracy. They provide the mechanism to stop a dictatorial chair who is acting like a “boss.” They are essential for every local government body, nonprofit board, and any group that functions on democratic principles. Learn how to use them to ensure that the group is the final authority.

In this discussion, whenever we say “member,” we mean a voting member of the governing body.

## ► What is a Point of Order?

Point of Order is a motion that requires the chair to abide by the organization’s rules or parliamentary rules, or to require another member to abide by the rules. If an error isn’t obvious, the member may have to briefly explain how the rules are being broken.

This motion is made by just one member and in most circumstances the motion must be made at the time of the rule violation. When this motion is made it immediately and temporarily stops business until the Point of Order is ruled on by the chair, who will either agree with the member and enforce the rules, or may disagree with the member. Once the chair rules that the Point of Order was “well taken” (correct) or “not well taken” (incorrect), the business that was interrupted then continues (unless the chair’s ruling is immediately appealed).

## ► How does a member raise a Point of Order?

The member who sees a rule violation and wants the rule enforced should call out, “Point of Order!” or stand up and say, “I rise to a Point of Order.” If necessary, you may interrupt a speaker, but don’t do this lightly!



► **What happens next with a Point of Order?**

The chair should say, “State your point.” The member then explains the problem. Finally, the chair gives a ruling.

- If the chair agrees with the Point of Order, the chair says, “The point is well taken” and enforces the rule.
- If the chair disagrees, the chair says, “The point is not well taken,” and moves on with the business at hand.

► **Can a member raise a Point of Order about the chair’s actions?**

Yes. Everyone in the meeting must follow the rules. If this happens, the chair issues a ruling on their own action.

► **Can a member of the public or the audience who is not a member of the body raise a Point of Order?**

No. Only a member of the body itself can raise a Point of Order.

► **Sample script for “Point of Order”**

Member: *Chair, I rise to a Point of Order.*

Chair: *State your point.*

Member: *My esteemed colleague has used the term “cream-faced loon” in referring to the mayor of Dinoville. Under Robert’s Rules of Order, insults are inappropriate.*

Chair: *The point is well taken, and members will refrain from using this term.*

► **What should members do when they disagree with a ruling by the chair?**

A member can appeal the chair’s ruling (which must be seconded). This tells the chair that two members are in disagreement with the chair’s interpretation and want the body to decide it for themselves. The motion must be made immediately. If other business intervenes, then it is too late to appeal the chair’s decision or ruling.

When the Appeal is made, it immediately and temporarily stops the pending business until a decision is reached on the Appeal. After a vote is taken on the Appeal by the members, the business that was interrupted then continues.

► **How is an Appeal conducted?**

A member stands and without waiting to be recognized, says: “I disagree with the ruling by the chair.” The chair must recognize an Appeal, even if worded simply as, “I don’t think that’s right - I disagree with you.” The formal wording is, “I appeal from the decision of the chair.” The chair then processes the motion, which may or may not be debatable.

Read more about how to process a Motion to Appeal, including a sample script, in this [this blog post](#), “Keep the chair in line using Appeal.”

Many thanks to Beverly Przybylski, PRP, for providing the original content of this paper. Any errors are, of course, the responsibility of Jurassic Parliament.

**Point of Order and Appeal are the heart of democracy**

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# Rights and Responsibilities of the Member



*Weldon L. Merritt, PRP, CPP, has graciously authorized Jurassic Parliament to publish this listing of the rights and responsibilities of ordinary members of an organization.*

Please note that neither the list of member rights nor the list of member responsibilities is intended to be exhaustive. In addition, neither the rights nor the responsibilities are necessarily absolute in every instance. For example, the right to debate may be cut off or limited by motions for the Previous Question or to Limit

Debate. And, while a member should not vote on a matter of direct personal interest, under Robert's Rules no member may be compelled to abstain on such a matter. Finally, as with all matters of parliamentary procedure, any right or responsibility established by RONR or any other parliamentary authority will yield to a contrary rule in the bylaws or in any applicable procedural statute.

All citations are from *Robert's Rules of Order Newly Revised*, 12th edition [RONR].

## **A MEMBER OF A DELIBERATIVE ASSEMBLY HAS THE RIGHT**

1. to make motions. [1:4]
2. to speak in debate. [1:4]
3. to vote. [1:4]
4. to abstain from voting. [45:3]
5. to be given copies of the assembly's governing documents, including bylaws, special rules of order (if any), and standing rules. [2:13]
6. to unilaterally modify or withdraw a motion the member has made before it has been stated by the chair. [4:19]
7. to speak first in debate on a motion the member has made. [3:33(1)]
8. to insist on the enforcement of the rules of order, through the raising of a *Point of Order*. [23:1]
9. to require the assembly to adhere to its agenda, program, or order of business, by a *Call for the Orders of the Day*. [18:1]



- 
10. to require a *Division of the Assembly* if the member doubts the result of a voice vote or a show of hands. [6:17(7)]
  11. to change his or her vote up to the time the results are announced (except when the vote has been taken by ballot or another method providing secrecy). [45:8]
  12. to demand a ballot vote on the question of guilt and on the imposition of a penalty in a disciplinary proceeding. [61:17]
  13. to not have allegations against the member's good name made except by charges brought on reasonable ground. [63:5]
  14. to have due process in any disciplinary proceedings. [63:5]
  15. to require separate consideration of two or more unrelated questions offered in a single motion. [27:10-11]
  16. to make a *Parliamentary Inquiry* or a *Request for Information* (also called *Point of Information*). [33:1]

#### **A MEMBER OF A DELIBERATIVE ASSEMBLY HAS THE RESPONSIBILITY**

17. to become familiar with the assembly's bylaws and procedural rules. [2:13]
18. to obtain the floor before making a motion or speaking in debate. [3:30]
19. to refrain from criticizing a ruling of the chair unless the member has appealed from the ruling. [24:2]
20. to refrain from debating a matter that is not pending. [43:4]
21. to confine remarks to the merits of the pending question. [43:20]
22. to refrain from attacking or questioning the motives of other members. [43:21]
23. to address all remarks to or through the chair. [43:22]
24. to refrain from referring to members by name. [43:23]
25. to refrain from speaking adversely on a prior action not pending. [43:24]
26. to refrain from speaking against the member's own motion. [43:25]
27. to read from reports, quotations, or other documents only with permission of the assembly. [43:26]
28. to be seated during any interruption by the chair. [43:27]
29. to refrain from disturbing the assembly. [43:28]
30. to refrain from explaining the member's vote during voting. [45:8]
31. to abstain from voting on a matter of direct personal interest. [45:4]

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# SAMPLE DISCUSSION GUIDELINES FOR LOCAL GOVERNMENTS

*Permission is granted to modify these guidelines as your organization prefers. Note that these guidelines refer to discussion within the body, not to comment by the public.*

1. The chair of the meeting runs the meeting in the service of the body. The chair serves as the facilitator for the meeting and has the primary responsibility for maintaining order. The chair may take part in discussion, but may not answer each individual speaker back, nor lecture or criticize the members. When discussing substantive questions, the chair will usually speak and vote, if entitled to do so, after others have spoken.
2. Members will give their full attention to their colleagues and will put away their cell phones, unless in an emergency situation.
3. All members have equal rights, privileges and obligations. To ensure this, no one may speak a second time until everyone who wishes to do so has spoken once.
4. Members will seek recognition from the chair before speaking. In general, interrupting is not allowed. If necessary to enforce a guideline, the chair may interrupt a member. A member may interrupt a speaker in order to make a Point of Order, which should be done infrequently.
5. During business meetings all remarks must be addressed to the chair, and members may not speak directly to each other.
6. During work study sessions or committee meetings, members may speak in conversational mode, in which members speak without recognition and to each other. The chair will ensure that everyone has an equal chance to speak and that no one person dominates the discussion.



- 
7. Members may address presenters directly once recognized by the chair. Questions for presenters or staff may not become lengthy exchanges.
  8. Discussion should be focused on the issues at hand and remarks must be relevant. Members may not paraphrase other members. The body is the final authority as to whether remarks are permissible.
  9. Remarks must be courteous and respectful. Personal remarks about other members are not allowed, except for conflict of interest issues. Insults, personal attacks, vulgarity or obscenity, or inflammatory language are not allowed. Members may not criticize the body.
  10. Remarks criticizing past actions of the body are not allowed, unless the body as a whole is discussing the topic, or the member is about to introduce a motion to amend or rescind the action at the end of their speech.
  11. A member may not speak against their own motion. If discussion has changed a member's mind, the member may ask permission to withdraw the motion.
  12. If a guideline is broken or a question arises as to whether a remark is allowed under the guidelines, a member may make a Point of Order. The chair rules, subject to Appeal. The chair may also turn to the body immediately to decide the matter. A Point of Order must be made at the time of the offense.
  13. Individual speeches are limited to a maximum of 5 minutes. The body may adopt a shorter limit, or an overall time limit for a given topic, by a two-thirds vote without debate. If a speaker runs over the limit, the chair will interrupt and request that they conclude their remarks.
  14. The motion "Previous Question" or "Call the Question" requires a second and a two-thirds vote, without debate, in order to cut off discussion and vote immediately on the pending motion. Members may not call out "Question!" but must be recognized in order to make this motion.
  15. These guidelines are in effect unless superseded by law, regulation, or adopted policy. *Robert's Rules of Order Newly Revised, 11th edition* is the parliamentary authority.

#### **Sample Discussion Guidelines for Local Governments**

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# Successful staff interaction in local government meetings



© City of Shoreline WA 2018.

Staff interaction in local government meetings can be effective or disastrous. Here are a few suggestions on how to structure successful staff interaction.

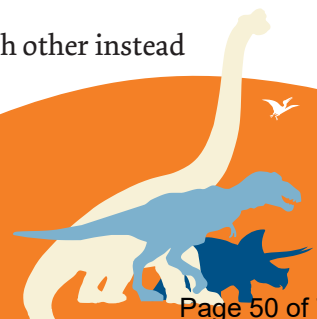
## ► NOT ENOUGH STAFF INTERACTION

Sometimes we have observed staff who are too cautious at their council or committee meetings. They see themselves in a subordinate position and feel that their comments are welcome only when requested.

We believe that in a healthy jurisdiction, staff members are empowered to speak up on occasion. For example:

- Elected or appointed officials are about to do something illegal, like making a decision in an executive session that must be made openly.
- Councilmembers are not aware of information relevant to their discussion, or past actions that have an immediate bearing on the course of action they are considering.
- Councilmembers are breaking their own guidelines by speaking directly to each other instead of addressing remarks to the chair.

➡ over



You can make this permission formal by adopting a special rule of order that authorizes staff to make a Point of Order. Alternately, you can have an informal understanding with your staff that they should speak up in these circumstances. Read about [Point of Order here](#) and [special rules of order here](#). In any case, it is critical that the chair and the councilmembers display the emotional maturity to accept comments from staff, and not punish them for speaking up.

#### ► TOO MUCH STAFF INTERACTION

We've observed the opposite problem too. Sometimes staff speak up whenever they wish, and argue with the councilmembers as if they were on an equal footing. Staff must respect the fact that they support the local government officials but are not the decision-makers. This requires some delicacy on their part and a healthy humility about their role. Another problem can occur when a single councilmember has a whole series of questions for a staff member, and the two people engage in a back-and-forth conversation that basically hijacks the meeting. This should not happen.

#### ► HOW TO STRUCTURE STAFF INTERACTION?

We recommend this structure for staff interaction:

1. Staff presents the proposed action in writing and explains it.
2. Members of the body offer any questions to the staff, with each person having the opportunity to ask one or two questions in turn, for as many rounds as are necessary.
3. Public comment is taken (if that is your process).
4. The motion is moved and seconded.
5. Councilmembers discuss the motion. During discussion, they may ask the chair for permission to address a further question to a staff member if they feel the need.
6. This is the time to offer any amendments if desired.
7. After discussion, the council or committee votes on the motion.

#### ► ONE MORE POINT ABOUT STAFF INTERACTION

It's important to remember that the official/staff member relationship is an unequal and hierarchical one. Local government officials and staff members stand in a very different relationship to their leaders. An elected or appointed body is autonomous, within the limits of law and regulation. Staff members are employees, dependent on their employer, who is responsible for their performance.

It is crucial for officials and citizen volunteers to remember this distinction. They must respect the lines of authority and the employment conditions prevailing in their jurisdiction. Council and commission members must always speak with courtesy to staff, and not criticize or berate them in public. If they have concerns, they must raise them in the proper channels. For example, a councilmember with an issue might say to the city manager, "Please set up a time to meet with me so we can follow up on this matter."

**Successful staff interaction in local government meetings**

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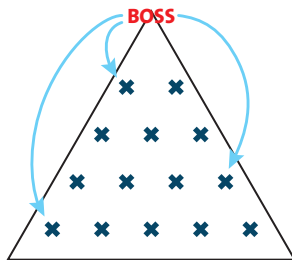
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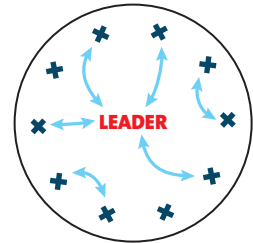
# The chair is not in charge of your meeting

It is a little-known fact that ultimately it is the board that is in charge of your meeting, not the chair. According to the principles of parliamentary procedure and Robert's Rules of Order, the chair runs the meeting while subject to the will of the body as a whole.



This is very different from the workplace, the military, or many other institutions in our society. Those institutions are structured as an ACCOUNTABILITY HIERARCHY, in which everyone reports, through the appropriate channels, to the BOSS at the top of the pyramid. The boss makes the ultimate decisions and is responsible for the organization's performance.

On the other hand, in local government and nonprofit work the governing body is structured as a VOLUNTARY ASSOCIATION. The members of the group are peers. The chair has equal standing with the members, plus a special responsibility to maintain proper procedure. He or she is not the BOSS, but the LEADER of the group. The governing body makes its own decisions and the governing body is responsible for its own performance.



If two members of the governing body disagree with a ruling, decision or order of the chair, they may [APPEAL](#) the decision, and the group will decide the matter (unless it is a matter on which there cannot be two opinions, such as a clear statement in the bylaws). One member makes the Appeal and another members seconds it.

This model can be hard for people experienced in the hierarchy model to accept, but it is critical for the success of your city council, school board, planning commission or nonprofit board. A chair who understands these principles, who controls procedure in accord with the group's adopted rules, and who assists the group to make its own decisions, without undue pressure or moral suasion, will serve the organization well. The job will also prove much more manageable, and more rewarding, than trying to make everyone do what you want.

---

This is the flow of authority which results from these principles.

|                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------|
| The group adopts its rules or guidelines.                                                                                         |
| In attending, members accept the rules.                                                                                           |
| During meetings, the chair applies the rules for the benefit of the group.                                                        |
| All persons present at a meeting must obey the legitimate orders of the chair.                                                    |
| Any member who disagrees with a ruling, decision or order by the chair 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 chair obeys the group's decision.                                                                                             |

If you run your meeting in accord with these principles, you will avoid power-struggles and unnecessary strife, and serve your organization better. It's different, but it works!

#### **The chair is not in charge of your meeting**

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# Time limits create productive meetings



The mayor of Alexandria, Virginia began council meetings by responding to each person giving public comment, sometimes delaying the start of regular business three hours or more. Was this reasonable? No. We need time limits to establish structure and create productive meetings. Robert's Rules says that members have the right to an efficient meeting. It takes effort to do this, and for the chair to maintain the limits, but the effort will pay off big time.

## SET AN OVERALL TIME LIMIT FOR THE MEETING

If you are a private nonprofit board, a good target for a regular board meeting is two hours. After two hours, people's brains begin to sag, and the meeting becomes less productive. If you are a local government body, you will still want to try to set an overall time limit on ordinary occasions.

## SET TIME LIMITS FOR INDIVIDUAL ITEMS

We recommend preparing a "timed agenda," in which you set expected time limits for each individual item and also list the hour at which they will begin. See an example at the end of this paper. It takes effort to do this. You may need to spend as much time preparing the agenda as the time of the actual meeting. But your members will thank you for considering the true importance of each item and carefully crafting the expected time.

Include the words "all times approximate" on your agenda. This gives you flexibility, during the meeting itself, to make simple adjustments without having to take a formal vote. If a given item has been allocated 20 minutes from 7:30 to 7:50 pm, when it is 7:45, the chair can say, "We have five minutes left for this item. Are you ready to wrap it up, or should we extend our discussion by 10 more minutes?"

## SET TIME LIMITS FOR MEMBERS OF THE BOARD WHEN SPEAKING

If you have adopted Robert's Rules of Order, you already have a time limit for members of your board or council when speaking: 10 minutes per speech. In our view, this is too long. We recommend adopting a time limit of 5 minutes per speech. Read our [post on special rules of order](#) on how to do this—it's easy for small boards (up to about 12 people). If someone goes past the limit, the chair must stop them, or a member may raise a [Point of Order](#).



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### **LIMIT OR EXTEND TIME AS NEEDED**

The handy motion, “Limit or extend the limits of debate,” allows your group to shorten the time planned for debate, or to give a speaker more time if desired. This motion requires a second but it cannot be debated, thank goodness! However, it can be amended to change the proposed time. It takes a two-thirds vote to pass.

### **USE “CALL THE QUESTION” CORRECTLY**

Another motion that cuts off debate is “to call the question” (the formal name is “To move the previous question”). If this vote passes, discussion on the item is finished and the vote is taken immediately. This motion is often misused! [Read our blog post here](#) to understand how to “call the question.” A single person cannot stop the debate on their own—the group must vote to do so.

### **SET TIME LIMITS FOR PUBLIC COMMENT**

We recommend that local governments set a time limit for the public comment period and for individual speakers. We like three minutes for speeches. Two minutes is too short, in our view, and five minutes too long. Here again, during the meeting the council can use the motion “to limit or extend the limits of debate” if it chooses.

The courts have found that public bodies may set limits to time, place and manner of public comment, as long as these limits are viewpoint-neutral.

Download our [Guidelines for Public Comment in Local Government Meetings here](#). Note that these guidelines are based on Jurassic Parliament’s experience and are not a part of Robert’s Rules of Order.

### **ON A SMALL BOARD, DON’T LIMIT MEMBERS TO TWO SPEECHES**

For large meetings, the general rule in *Robert’s Rules of Order Newly Revised*, 11th edition is: “Unless the assembly has a special rule providing otherwise, no member can speak more than twice to the same question on the same day...” p. 389. However, Robert says when describing the rules for small boards on p. 488: “There is no limit to the number of times a member can speak to a debatable question.” We agree with this rule for small boards (up to about 12) as long as the group follows the Principle of Equality, that no member may speak a second time until everyone who wishes to do so has spoken once. [Download the small board rules here](#).

### **USE THE EXPLORATORY ROUND ROBIN FOR COMPLICATED TOPICS**

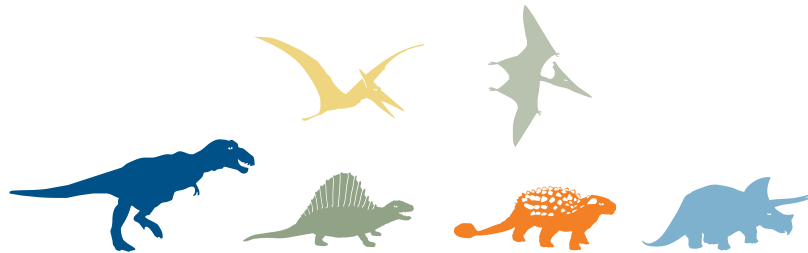
There is another method of discussion that has proven very effective for complicated topics, called the Exploratory Round Robin. You can read about it and [download the PDF here](#).

### **TIME LIMITS WILL MAKE YOUR MEETINGS MORE PRODUCTIVE**

The variety of human opinion is infinite, but our meeting time is not. By setting and maintaining time limits for your meeting, your group will allow a hundred flowers to bloom, while still keeping an orderly garden for discussion.

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# Sample Timed Agenda



## Regular Meeting of Board of Directors Montedino Association of Realtors

### AGENDA

|  |                                                      |         |        |
|--|------------------------------------------------------|---------|--------|
|  | Call to order and determination of a quorum          | 7:00 pm | 5 min  |
|  | Let's connect! Check-in by members                   | 7:05 pm | 10 min |
|  | Approval of agenda                                   | 7:15 pm | 5 min  |
|  | Approval of minutes of last meeting                  | 7:20 pm | 5 min  |
|  | President's remarks                                  | 7:25 pm | 5 min  |
|  | Executive Director's Report                          | 7:30 pm | 10 min |
|  | Treasurer's Report                                   | 7:40 pm | 10 min |
|  | Proposal to raise dues from \$100 to \$1000 per year | 7:50 pm | 30 min |
|  | Any other new business                               | 8:20 pm | 5 min  |
|  | Announcements and remarks for the good of the order  | 8:25 pm | 5 min  |
|  | Adjournment                                          | 8:30 pm |        |

*All times are approximate.*

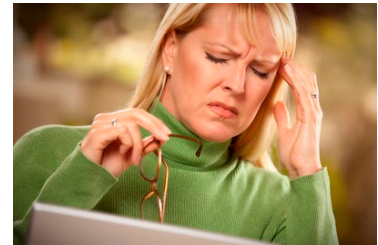
Note that this agenda follows a special “order of business,” not the standard order as prescribed by Robert’s Rules. Jurassic Parliament believes that putting new business at the end of the meeting is not desirable. It’s better to tackle tough issues earlier in the meeting while everyone is fresh. You can adopt a Special Rule of Order to give this flexibility. [Read about how to do this here.](#)

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# When public pressure is intense



At a recent workshop, a director from a school board split by pandemic-related decisions asked me what board members can do in the face of intense public pressure. These are tough times for local non-partisan government bodies, for sure. Here are some thoughts about what can be done.

## **Listen to your constituents, while accepting your own responsibility**

Of course, you will listen carefully to what your constituents are telling you. Be willing to hear views that differ from your own. Remember, however, that elected office gives you the responsibility of voting based on your own best judgment, not solely in response to crowd opinion.

## **Ensure fair discussion at meetings**

It is vital to hold free and fair discussion at your meetings. Be sure that every board member has an equal chance to speak, and that the minority is not marginalized in discussion. It can be hard, when passions run high, to maintain equal opportunity for all to speak, but you must. The chair needs to keep a cool head, setting aside the desire to have their own opinion prevail in order to focus on facilitating the discussion.

## **Manage public comment effectively**

When people are upset, public comment sessions can be challenging. Always remember that the purpose of public comment is to hear the views of your community, not to get into dialogue with them. You may find our [Guidelines for Public Comment in Local Government](#) helpful.

When an issue is very inflamed, the regular public comment period may be insufficient. You may want to schedule an additional public forum on the subject, in order to preserve the board's time to work at its regular tasks.



**Once a decision is made, stand by it**

It's a fundamental principle of democracy that the decision of the majority, voting at a properly called meeting, is a decision of the body as a whole. If you voted in the minority, be prepared to say, "I voted against this decision, I gave it my best effort in discussion, and I support it as the decision of the board."

**Prepare "talking points" for your own use, and repeat them**

When I was serving in the U.S. State Department, we wrote "talking points" listing the key items to be made in a discussion. The board can do this, or you can do this for yourself. Writing them down gives you strength to remember them. You will also need to repeat them, sometimes often, to different people, without getting irritated or annoyed at having to say the same thing over and over again. See some sample talking points below.

**Be prepared to revisit a decision if warranted**

As circumstances change, if your board needs to revisit a decision, be prepared to do that. You can read our article on ["Reconsider, Rescind, and Amend previous decision"](#) to learn how to do this.

**Show solidarity with colleagues, even if you disagree**

Board members need to confine their discussion to issues, and show solidarity with their colleagues. During the meeting, show respect in your remarks, and especially in your body language. Outside the meeting, don't badmouth other board members. Focus on the decisions, not on the people who made them.

**Be careful about posting on social media**

Social media can become a sinkhole, commanding more and more time and effort for little return. Consider carefully what you post and what you respond to. And of course, be sure that you distinguish between your personal views, and speaking as a representative of the board on which you serve. Even when you do this, the two are often confused in the public's mind. It's best just to keep it positive and factual.

**Keep clear and keep connected**

In all your communications, you need to do two things that are easy to do separately, but hard to achieve all at once.

- Be clear about what you think. A leader is able to articulate the challenges that went into a decision, and the rationale for their own vote.
- Keep connected with the other person. It's easy to become defensive or impatient when someone is attacking you. Do your best to keep rooted in your own integrity, and to acknowledge that the other person is worthy of your respect, whether or not you agree. One useful tip is to avoid using the word "but." When you say "but," you cut yourself off from your opponent. Better to say, "Yes, you are raising very serious issues, and I would also like to mention..." Always thank someone who gives you feedback.

### Absorb the pain and don't pass it on

It's not easy to be the target of public pressure. You will serve your community if you are willing to absorb the pain, the hurt feelings, the realization that your good intentions are misunderstood, and let the pain stop with you. Don't lash out or retaliate when you feel hurt. Don't turn in on yourself. Just acknowledge that times are tough, your local government is doing the best that it can, you are doing the best that you can, and recommit to serving your community, even in these challenging times. Your commitment to something bigger than the individuals caught in the current moment, to the greater good, will sustain you even in the worst of conditions.

What advice do you have for responding to public pressure? [Let us know!](#)

### SAMPLE TALKING POINTS

- *The board has given lengthy and thoughtful consideration to the question of whether to hold school in person at this time, or not.*
- *Relying on the best public health information we could obtain, the board decided to keep our physical schools closed until the infection metrics have reached a measure where we feel safe.*
- *We understand that this poses a serious hardship to students and parents, and that online learning is not as effective as in-person instruction.*
- *Speaking personally, I would have liked us to set an easier target to reopen. After giving this my best consideration, I voted against this decision. Since the majority decided it this way, I support the decision of the board.*
- *Thank you very much for taking the time to share your thoughts on this challenging issue. I appreciate your commitment to our kids. I hope that with the advent of widespread vaccination, we will be able to reopen sooner rather than later. Again, thank you.*

### When public pressure is intense

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## Reference Materials

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# Guidelines for Public Comment in Local Government



The public comment period is an essential part of local government meetings. These are our guidelines for public comment periods in local government. They refer to ordinary business and work or study meetings of councils, boards and committees. Public hearings and quasi-judicial hearings are governed by different rules.

It is important for elected officials and for the public to be very clear about the purpose of the public comment period. This is an opportunity for members of the public to inform the governing body about their views. The meeting itself belongs to the governing body. The public does not PARTICIPATE in the decision-making. Instead, it PROVIDES INPUT to the governing body, which takes the input into consideration in making its decisions.

A governmental body must craft its requirements with care in order to to preserve the free speech rights of its citizens. If questions arise about the public comment period, consult your attorney. State law and regulations and your specific bylaws or rules of procedure have higher standing than Robert's Rules of Order, other parliamentary authorities, or these guidelines.

➡ over



► **TIME CONSIDERATIONS**

1. Establish specific periods for public comment during your meetings, in a way that is consistent with your community's expectations and customs.
2. Set a length of time by which each period will conclude, unless the council votes to extend it.
3. Set a time limit for each individual to speak.
4. Speakers may not give their time to other people.

► **WRITTEN GUIDELINES**

5. Provide printed copies of the guidelines and expectations.
6. Review the guidelines at the beginning of each comment period if necessary, and explain that this is the time for citizens and residents to express their views in order to inform the council. Explain that the council will not engage in dialogue with the public during this time.
7. The council has the right to set limits on what subjects may be addressed, how long public comment will be, and how many times people may speak. All such limits must be viewpoint neutral: they must not favor one point of view over another.

► **DURING PUBLIC COMMENT**

8. Check your state law as to whether you may require speakers to give their name and address.
9. Require all speakers to address their remarks to the chair.
10. Require all speakers to keep to the time limits. It is important to be consistent for the appearance of fairness. Some jurisdictions provide a visible public timer, so the speaker knows how much time is available.
11. The chair should thank each speaker, whether positive or negative.
12. In general, it is best not to respond at all to public comment. However, the chair may provide brief factual information, if appropriate. This must not degenerate into lecturing or criticism.
13. The chair must not under any circumstances enter into back-and-forth exchanges with the public. See our blog entry below for more information.
14. We recommend using surnames to address speakers. If you use first names for some speakers, use them for all.
15. Councilmembers refrain from speaking during this portion of the meeting.
16. Have staff ready to note input or questions from the public and to provide responses at a later date. Do not call on staff to give public answers on the spot.

► **BEHAVIORAL EXPECTATIONS**

17. Model courtesy and respect and encourage members of the public to do the same.
18. The public has the right to make critical and harsh remarks. Courts have consistently found that public bodies may not require members of the public to follow the rules of decorum that apply to council members themselves. (See our blog entry below for more information on decorum rules.)
19. Members of the public do not have the right to disrupt the meeting. However, mere words most likely do not constitute a disruption in themselves. All concerned should become familiar with case law on this point, and be able to determine when conduct becomes truly disruptive.
20. The council may prohibit demonstrations (booing, hissing, clapping). These can be chilling to discourse and inhibit free speech, both on the part of the elected officials and of the public.

21. Consult with your attorney and develop an action plan for steps to take in case of disruption. The League of California Cities has excellent material available on their website. In cases of serious disruption, state law may allow you to adjourn the meeting to a different location.
22. Be very cautious about ordering a disruptive member of the public to leave the meeting. It may be advisable to give three warnings to cease from the disruptive behavior before taking any action. Consult with your attorney before doing this.

► **RESPONSIVENESS TO THE PUBLIC**

23. The body language and manner of the chair and other elected officials are critical to running successful public comment sessions. Councilmembers should listen to each person speaking as if there were no one else in the room.
24. Councilmembers should keep an interested expression on their faces and refrain from checking electronic devices, whispering to each other, or otherwise demonstrating lack of interest in what the public is saying.
25. It is helpful to see oneself on video in order to gauge the impression given to the public. We recommend a facial expression that projects warmth and genuine interest. If a speaker is highly negative, it is appropriate to keep a neutral, serious expression. Do not frown, grimace, sigh, or roll your eyes.
26. It is vital for elected officials to be responsive to their public, and to appear responsive. Given the limitations on the public comment period, we recommend establishing other channels to connect with your public, such as community forums, personal discussions, “coffee with the mayor,” a form on your website, surveys, etc.

► **OTHER CONSIDERATIONS**

27. The council has the right to invite anyone to speak whom it wishes to hear from at other times than the public comment period. This is done by unanimous consent or a majority vote.
28. Provide clearly marked paper inviting individuals who are not heard during the public comment period due to time constraints to provide written comment for the council.
29. We recommend that detailed public comment should not be included in the minutes. It is sufficient to say, “Public comment was given.” See our blog entry below for more information.

► **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 council 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 council, about your views.
- If members of the public have factual questions, staff will be glad to address them. Please speak with the executive assistant who is seated next to the dais.

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More information:

- [Don't get into back-and-forth exchanges during public comment](#)
- [Don't include detailed public comment in meeting minutes](#)
- [Citizen's Guide to Effective Conduct of Public Meetings](#)
- [Inappropriate remarks on local government councils](#)

*Do you have feedback on these guidelines for us? We are always eager to improve our publications. Visit our website at [www.jurassicparliament.com/category/effective-local-government](http://www.jurassicparliament.com/category/effective-local-government) for much more information on local government issues. Contact us at [info@jurassicparliament.com](mailto:info@jurassicparliament.com) or 206-542-8422 with your suggestions. We look forward to hearing from you!*

#### **Guidelines for Public Comment in Local Government**

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# SAMPLE PUBLIC COMMENT ANNOUNCEMENT

Now is the time to hear from our public. We welcome your comments which are very important to us.

Please go to the podium, speak into the microphone, and give your name and city of residence. Address your comments to the mayor/council as a whole, not to individuals. Courtesy is appreciated.

Comments are welcome on general city business or specific agenda items. Each speaker is limited to 3 minutes. You may not donate your time to another speaker. If several people are here to speak on the same subject, we invite you to choose a single representative who may speak for 5 minutes.

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 council, about your views.

If you have specific factual questions or complaints, please check in with our staff. They are seated on the side and will be glad to assist you. We welcome written questions and comments.

Demonstrations (heckling or clapping) are not allowed. They disrupt the meeting and inhibit free speech rights.

Speakers may not endorse candidates, discuss ballot propositions, advertise, or speak to issues which are before the council as quasi-judicial matters or considered in a public hearing. PowerPoint presentations, recordings, or props are not allowed. Banners and signs are allowed along the back wall of the chambers as long as they do not impede the view or the council's work.

We appreciate your coming to this meeting. We invite you to keep in touch by writing to the council, using the form on our website, speaking personally with council members, and attending public forums. Thank you for attending and sharing your thoughts with us.

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# CITIZEN'S GUIDE TO EFFECTIVE CONDUCT OF PUBLIC MEETINGS USING PARLIAMENTARY PROCEDURE AND ROBERT'S RULES OF ORDER IN WASHINGTON STATE



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This guide has been prepared to assist citizens and residents who want to know the expectations for public meetings under parliamentary procedure and Robert's Rules of Order in Washington State. We use the example of a city council; these questions are also relevant to other local government bodies such as county commissions, school boards, special districts, etc. We are parliamentarians and nothing in this guide constitutes legal advice.

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October 6, 2017  
Updated as of December 11, 2017

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## INTRODUCTION

This material is general and educational in nature. The answers are based on *Robert's Rules of Order Newly Revised, 11th edition* (abbreviated RONR) and our own experience. The National Association of Parliamentarians ([parliamentarians.org](http://parliamentarians.org)) and the American Institute of Parliamentarians ([aipparl.org](http://aipparl.org)) provide extensive information on parliamentary procedure. For additional information on many of these questions, MRSC (Municipal Research and Services Center) has valuable reference materials available for free download ([mrsc.org](http://mrsc.org)).

In this guide we talk about “mayor-council” cities, in which the mayor is elected by the people, and “council-manager” cities, in which the city council elects the mayor from among its own members. Charter cities are governed by the contents of their charter and state law. Throughout this guide, the term “mayor” means “presiding officer” (the person in charge of running the meeting).

In every state, state law governs the actions of local government. Many states give access to their relevant statutes online. The Revised Code of Washington (RCW) is mentioned for reference purposes only. Nothing in this guide constitutes legal advice. Consult your attorney or another qualified authority if you have questions about how these general principles apply in a specific situation.

|       |                                                      |
|-------|------------------------------------------------------|
| PRP   | Professional Registered Parliamentarian (NAP)        |
| CP    | Certified Parliamentarian (AIP)                      |
| CPP   | Certified Professional Parliamentarian (AIP)         |
| CP-T  | Certified Parliamentarian-Teacher (AIP)              |
| CPP-T | Certified Professional Parliamentarian-Teacher (AIP) |

### Excerpts from the Revised Code of Washington (RCW):

RCW 35A.12.100 (Mayor-council) The mayor shall preside over all meetings of the city council, when present, but shall have a vote only in the case of a tie in the votes of the councilmembers with respect to matters other than the passage of any ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

RCW 35A.13.030 (Council-manager) The chair of the council shall have the title of mayor and shall preside at meetings of the council.

RCW 35A.12.120 The council shall determine its own rules and order of business, and may establish rules for the conduct of council meetings and maintenance of order. (Note: This applies to both mayor-council and council-manager cities.)

## I. PARLIAMENTARY PROCEDURE

**I thought state law governed the conduct of city council meetings. Why do mayors and members of city councils have to follow parliamentary procedure?**

Under Washington State law, councils determine their own rules:

RCW 35A.12.120 “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.”

The set of ordinary and customary rules that councils usually choose for their meetings is “parliamentary procedure.” These customs, rules and guidelines have evolved over the last 500 years to govern the conduct of public meetings. They form part of the common law. The courts have found that public bodies must follow parliamentary principles. In some states, the requirement to follow parliamentary principles is specifically included in state law.

**If a council hasn’t adopted Robert’s Rules of Order, can it run its meetings the way it likes?**

No. Robert’s Rules of Order is one widely-used authority summing up the general understanding of parliamentary procedure. There are other authorities as well. Even if a council has not adopted any authority, it is still bound by parliamentary principles as part of the common law.

**What does the principle of majority rule mean?**

The principle of majority rule means that the decision of a majority of the members of the body (more than half of those present and voting) is the decision of the entire council. The minority must make it their own, or at a minimum, may not take actions to prevent the council from carrying out its decision.

**What is a quorum?**

A quorum is the minimum number of voting members who must be present for business to be done. Unless otherwise specified, it is a majority of the members then in office. In a mayor-council city, the mayor is not counted towards the quorum. RONR pp. 345-351

**Can a council suspend all of Robert’s Rules?**

No. RONR p. 263-265

**How can a rule be suspended?**

If a member wishes to suspend a rule, for instance, to allow a member of the public to speak longer than the allotted time, he says, “I move to suspend the rules in order to allow the citizen to complete his remarks.” This motion needs a second and cannot be debated. It usually takes a two-thirds vote to pass. The specific rule being suspended is not mentioned, only the purpose. Some rules cannot be suspended. RONR pp. 260-267

## II. PRESIDING

**Who is in charge of running a public meeting, such as a city council, school board or special district meeting?**

For each body, there is a specific individual who has authority to run the meeting, either by election or appointment. This person’s personal authority is subject to state law and regulations, any bylaws or guidelines adopted by the body, and the will of the body itself. Depending on the body, this individual will have the title of mayor, president, chair, etc. In a city council, the mayor has the duty of running the meeting.

**Under the Revised Code of Washington, a mayor elected by the people is supposed to run the meeting. Doesn't he have the right to run it the way he likes?**

No. The mayor in a mayor-council must follow the principles outlined in parliamentary procedure. During the meeting, he is the servant of the group, and the group is the final authority. The group's final authority is exercised by using the motion to appeal.

### III. MAYOR

**What are the obligations of the mayor during a meeting?**

The mayor has the following duties. RONR pp. 449-450

|                                      |                                                                                                                                                                                                                                                                   |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Open meeting                         | To open the meeting at the appointed time by taking the chair (sitting in the seat reserved for the presiding officer), after finding that a quorum is present, and calling the meeting to order.                                                                 |
| Announce next activity               | To announce in proper sequence the next activity before the council in accordance with the prescribed order of business.                                                                                                                                          |
| Recognize members                    | To recognize council members who are entitled to the floor (who have the exclusive right to be heard at that time).                                                                                                                                               |
| State questions and put to vote      | To state and put to vote all questions that legitimately come before the council as motions or that otherwise arise in the course of proceedings, and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order. |
| Refuse to recognize dilatory motions | To protect the council from obviously dilatory (recurrent time-wasting or obstructive) motions by refusing to recognize them.                                                                                                                                     |
| Enforce order and decorum            | To enforce the rules relating to debate and those relating to order and decorum within the council.                                                                                                                                                               |
| Expedite business                    | To expedite business in every way compatible with the rights of council members and the council rules.                                                                                                                                                            |
| Decide all questions of order        | To decide all questions of order subject to appeal — unless, when in doubt, the mayor prefers initially to submit such a question to the council for decision.                                                                                                    |
| Respond to inquiries                 | To respond to inquiries of council members relating to parliamentary procedure or factual information bearing on the business of the council.                                                                                                                     |
| Authenticate documents               | To authenticate by his signature, when necessary, all acts, orders and proceedings of the council.                                                                                                                                                                |
| Close meeting                        | To declare the meeting adjourned when the council so votes or — where applicable — at the time prescribed in the agenda, or at any time in the event of a sudden emergency affecting the safety of those present.                                                 |

**Is the mayor a member of the city council?**

In Washington State, the mayor of a council-manager city is a member of the city council, but the mayor of a mayor-council city is not.

**What right does the mayor have to speak at a city council meeting?**

- The mayor must, of course, speak about procedural matters in order to carry out the duties outlined above.

- The mayor in a council-manager city has the same right to speak about issues facing the council as any other council member.
- RONR has special rules for small boards (up to about 12 members). In a mayor-council city with a small council, the elected mayor customarily has a right to speak on matters pending before the council, even though technically not a member. In a larger council, if the elected mayor wishes to speak on substance, he should step down from the chair in order to participate in debate, while another who has not and will not speak on the matter presides, resuming it only when the item has been dealt with. RONR pp. 394-395.

### **Can the council remove the mayor as presiding officer during a city council meeting and appoint someone else in his place?**

This is primarily a legal and not a parliamentary question.

## **IV. MEETING NOTICES AND AGENDA**

### **Who authorizes the notice of a special meeting?**

Issuing notices of a meeting is part of the administrative duties of the mayor. The mayor is bound to issue notices of special meetings that are called according to state law and council rules.

### **Who decides what goes on the agenda of a public meeting?**

The mayor prepares the draft agenda of a public meeting, but the final content of the agenda is subject to the vote of the council. RONR p. 372-373

## **V. DEBATING**

### **Who decides who may speak in debate and in what order?**

The mayor recognizes council members (gives them permission to debate) in accord with the rules of parliamentary procedure. For example:

- The person who makes a motion has the right to debate first if he wishes to. RONR p. 379
- No one may debate a second time until everyone who wishes to do so has spoken once. RONR pp. 379, 388-389
- The mayor may not refuse to recognize council members based on personal preference. RONR pp. 376-377

### **May council members interrupt each other or the mayor?**

No. Interrupting is forbidden under RONR. An exception is that a council member may interrupt to raise a “point of order” if a procedural rule is being broken that needs immediate attention. RONR pp. 383-385

### **May the mayor interrupt a debater?**

No. RONR says specifically that the chair may not interrupt a debater except for a point of order, so long as no council rules are broken. The mayor may not interrupt even if he knows more about a given subject than the debater. RONR pp. 43-44

### **May the council members debate directly to each other?**

It depends. In a large council, council members must address all remarks to the chair. In a small council (up to about 12 members) council members may speak directly to each other. However, the rule that no one may

debate a second time until everyone who wishes to do so has spoken once still applies. Allowing members to debate to each other often leads to one-on-one conversations that violate this rule. RONR p. 392; pp. 487-488

### **What kinds of remarks are forbidden at city council meetings?**

There are certain types of unacceptable remark under RONR. Council members may not make such remarks, which are considered to be irrelevant (not germane) to debate. (Members of the public are not bound by these restrictions.) RONR pp. 392-393

- Personal remarks (remarks about a person's individual qualities, rather than his views)
- Insulting language, personal attacks, profanity and vulgarity
- Inflammatory remarks
- Criticizing a past action of the group, unless the topic is under discussion by the group as a whole, or the member plans to introduce a motion to amend or rescind the action at the end of his speech.
- Remarks that are not germane (relevant) to the topic under discussion.

### **Who decides whether a remark is forbidden under these rules?**

The mayor issues a ruling about improper remarks, subject to appeal. A council member may also object to an improper remark.

### **May the council invite a member of the public to speak at a public meeting?**

Yes. The council may invite anyone it chooses to address it.

## **VI. VOTING**

### **How many votes does it take to pass a motion or resolution?**

In most cases it takes a majority vote to pass a motion or resolution. RONR pp. 400-429

### **What is a majority vote?**

This is a vote in which more than half of the members who cast a vote vote in favor of the motion:

|                     |            |
|---------------------|------------|
| 2 or 3 members vote | 2 in favor |
| 4 or 5 members vote | 3 in favor |
| 6 or 7 members vote | 4 in favor |
| 8 or 9 members vote | 5 in favor |

### **What is a two-thirds vote?**

This is a vote in which at least two-thirds of the members who cast a vote vote in favor of the motion:

|                     |            |
|---------------------|------------|
| 2 or 3 members vote | 2 in favor |
| 4 members           | 3 in favor |
| 5 or 6 members vote | 4 in favor |
| 7 members vote      | 5 in favor |
| 8 or 9 members vote | 6 in favor |

**Who decides what the outcome of a vote is?**

The mayor announces the result of a vote and has a special obligation to verify it beyond reasonable doubt. RONR p. 48

**If the mayor announces the result of a vote, and it seems to a council member that he made an error, what should the council member do?**

If the vote was taken by voice, the council member should call out “division.” The mayor must then retake the vote by raising hands or asking council members to stand. At the request of any council member, the vote must be taken by roll call. RONR p. 52

**Can the mayor vote at council meetings?**

In a council-manager city, the mayor may vote.

In a mayor-council city, the mayor ordinarily has no vote. However, the mayor may vote in one instance: to break a tie in a matter that is NOT the passage of an ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

**If the council passes a resolution or motion, can the mayor veto it?**

Mayors in mayor-council code and second class cities can veto ordinances passed by the council, but such a veto may be overridden by the vote of a majority of all council members plus one more vote. The mayor does not have the power to veto other actions of the council. Mayors in towns do not have a veto power. In a council-manager city, mayors also do not have a veto power. The veto power of mayors in the ten first class cities are detailed in their city charters.

## VII. POINT OF ORDER AND APPEAL

**What should a council member do when someone breaks one of the rules?**

A council member can make a point of order. This is a motion that requires another council member, or the chair, to abide by the council’s rules or parliamentary rules. If an error isn’t obvious, the council member may have to briefly explain how the rules are being broken.

This motion is made by just one council member and in most circumstances the motion must be made at the time of the rule violation. When this motion is made it immediately and temporarily stops business until the point is ruled on by the chair, who will either agree with the council member and enforce the rule, or may disagree with the council member. Once the chair rules that the point of order was well taken (correct) or not well taken (incorrect), the business that was interrupted then continues (unless the chair’s ruling is immediately appealed). RONR p. 247, 255

**How does a council member raise a point of order?**

The council member who sees a rule violation and wants the rule enforced should stand up, interrupt the chair or a speaker if necessary, and without waiting to be recognized, call out, “Point of order!” or “I rise to a point of order.” RONR p. 253

**Can a council member raise a point of order about the chair’s actions?**

Yes. Everyone in the meeting must follow the rules. If this happens, the chair issues a ruling on his own action.

**Can a member of the public raise a point of order?**

No. Only a council member can raise a point of order.

### **What should council members do when they disagree with a ruling by the mayor?**

A council member can appeal the chair's ruling, which then tells the chair that the council member is in disagreement with the chair's interpretation and that he wants the council to decide it for themselves. The appeal must be made immediately. If other business intervenes, then it is too late to appeal the chair's decision or ruling.

When the motion is made, it immediately and temporarily stops the pending business until a decision is reached on the appeal. After a vote is taken on the appeal by the council members, the business that was interrupted then continues. RONR pp. 255-56

### **How is an appeal conducted?**

A council member stands and without waiting to be recognized says: "I disagree with the ruling by the chair." The chair should recognize an appeal, even if worded simply as, "I don't think that's right – I disagree with you." The formal wording is, "I appeal from the decision of the chair." The chair then processes the motion. RONR p. 259

### **Can appeals be debated?**

Appeals pertaining to language and decorum may not be debated. In general, other appeals can be debated. There is a special process for debating an appeal. RONR p. 257

### **Are there rulings that cannot be appealed?**

Yes. A point of order that was raised while an appeal is pending cannot be appealed, nor can a ruling by the chair for which there cannot possibly be two reasonable opinions. RONR p. 256

### **What should the council members do if the mayor ignores an appeal?**

This is a highly significant violation of parliamentary procedure which should never happen. The council member may stand and take the vote himself. Education is critical so that all involved understand how this process works. Consult an attorney if legal action is needed. RONR p. 651

## **VIII. ADJOURNMENT AND ORDERING A MEMBER TO LEAVE THE MEETING**

### **May the mayor adjourn the meeting when he chooses?**

No. The mayor may adjourn the meeting on his own initiative only in two instances:

- If the council has come to the end of its agenda and there is no further business.
- If a riot or other dangerous situation has arisen. RONR p. 233-242

### **May the members adjourn the meeting when they choose?**

Yes. When the council votes in favor of adjournment, the meeting ends, even if there is unfinished business. This motion cannot be debated and requires a majority vote.

### **May the mayor order a member of a city council to leave the meeting?**

No.

### **May the council members order one of their own members to leave the meeting?**

Yes. In situations where disruption or disorderly conduct by a council member warrants it, the other members may direct that he leave the meeting. Usually warnings are given first. The removal can be ordered only for a single meeting, not for future meetings. It is best to have adopted policies in place that state when and how such an event might occur. RONR pp. 643-653

## IX. PUBLIC COMMENT PERIOD

### **What is the purpose of the public comment period at public meetings?**

The purpose of the public comment period at public meetings is for the public to inform the council about their views on matters before the council. It is not intended for debate and discussion with the public. When back-and-forth exchanges occur, it can become a challenge to describe the council's position correctly and accurately, and substantial confusion may result.

Councils should have other channels in place to answer questions, address concerns, and dialogue with the public—community forums, surveys, personal discussions, a form on the website to contact council members or staff, etc.

### **May the council place limits on the public comment period?**

Yes. The council may place reasonable limits on when public comment is taken, how long people may speak, and how long the public comment period will be; the council may also require that the subject matter pertain to the council's work. All such rules must be "viewpoint-neutral," that is, they may not favor one opinion over another.

### **Should the public in attendance clap, boo, hiss or speak over other people during the meeting?**

No. This should never happen. Expressions of opinion of this type, whether positive or negative, are intimidating to others and may lead to the suppression of free speech. They also impede the council from doing its business.

### **May the mayor or members encourage the crowd to clap, boo, hiss or speak over other people during the meeting?**

No.

### **What should the mayor and council do if the public becomes rowdy and unruly during a meeting?**

The mayor should explain firmly to the public that they have an obligation to allow the council to do its business. In cases of severe disruption, the council may order the room cleared, or may move to another location (see RCW 42.30.050). Advice from the attorney is helpful in such cases.

### **Can the mayor order a member of the public to leave the meeting?**

State and Federal law and court cases pertaining to open meetings and free speech govern this question.

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