Introduction to Public Meeting Procedures

2022 New Council Member Orientation

Parliamentary Basics

1. **NOTICE   - SC FOIA requirements**
2. **QUORUM**
3. **MOTIONS**
4. **DEBATE/DISCUSSION**
5. **VOTING**
6. **MAJORITY RULE**
   - **THE EXCEPTIONS TO MAJORITY RULE SUPPORT THE PRINCIPLES OF NOTICE, QUORUM & DEBATE**

Governing Authority

Constitution

Statutes

   Freedom of Information Act (FOIA)

   Ethics Act

Local Ordinances

Court rulings

Parliamentary Authority

- AG opinions, Ethics opinions, rule comments

Statutory Meeting Requirements

Council Meetings

- 4-9-110: Council must meet at least monthly
- 4-9-110: Council adopts its own rules of meeting procedures
- 4-9-120: Legislative acts must be done by adoption of Ordinances
  - 3 readings
  - At least seven days between 2ns and 3rd reading

Notice and Quorum

- Notice of meetings must follow SC Freedom of Information Act
  - Public notice
  - Agenda
- Quorum – 50% + 1
  - No official business can be done without a quorum present

Getting Business before the Body

Motions: nothing can come before the body without a proper motion and a second

- Substantive motions (main/principal)
  - Should be worded in the positive
  - Puts a question before the council
  - Only one motion at a time
- Subsidiary motions
  - Acts upon a substantive motion
  - Multiple motions at the same time
    - Order of precedence
- Incidental & Procedural motions

Amendments

- Three types of amendments .. strike, insert, or strike and insert
- Amendments
  - limited to the immediately pending motion
  - must be germane to the subject
    - Decision for the chair
- What is a "friendly amendment"
  - Amendment that modifies a currently pending amendment
  - Order of precedence

Requests/Inquiries

- Point of Inquiry: directed and answered by the chair only – clarify rule or procedure

- Point of Order: directed to the chair to raise issues of meeting order/conduct

- Point of information: directed to or through the chair seeking information relevant to the current issue

- Point of personal privilege: directed to the chair – address council or make a presentation

Less Common Motions

- Postpone/carry-over:
  - time certain (2/3 vote)
  - no-limit (majority vote)
  - debatable, amendable, can be reconsidered
- Table/lay on the table – postpones until a later time – dies if not taken from the table by the end of the meeting
  - can't be reconsidered
- Reconsider – reconsider an action made at the same or immediately proceeding meeting.
  - *Motion must be made by member voting on the prevailing side of issue*

Debate/Discussion

- The Chair is responsible for controlling the flow of debate – ensure all members have the opportunity to speak
  - Person who raised the issue should speak first
  - First-in-line v. alternate viewpoint
  - Maintain decorum/courtesy
- Should the Chair participate in debate?
  - Another member should preside temporarily
- Ending debate
  - by motion of a member
    - Can't interrupt a speaker
    - 2/3 vote to cutoff debate
  - by the chair <u>when</u> debate exhausted

Voting

- Most common method of voting is by voice or show of hands
- Roll call can be used if a voice vote is unclear or a member makes a motion to use
- Passage
  - Majority: (simple-majority) 50% + 1
  - 2/3 Majority: (super-majority) 2/3 present/voting
    - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- Tie vote – considered to have failed, retains the status quo
- Does the Chair vote?

Miscellaneous Issues

- Provisions for alternative attendance
  - Not acceptable for judicial hearings
  - A.G. opinion: Town of Tega Cay
    - Ability to hear and be heard
- Abuse of proceedings
  - Personal attacks by members or the public
- Removal from a meeting
    - A.G. opinion - MASC: discipline is a legislative action granted to the body

Resources

- SCAC Model Rules of Parliamentary Procedure
- 2018 SCAC Online Webinar: Legal/Ethical Considerations for Managing Public Meetings
- Institute Of Government: Managing & Conducting Meetings Course

Questions?

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