

# Introduction to Public Meetings in South Carolina

New Council Member Orientation



1

## Creating Rules of Procedure



- Brig. Gen. Henry M. Robert
- Born in Robertville, SC
- U.S. Army 1857-1901
  - Chief of Engineers
  - Buried at Arlington National Cemetery
- Created Roberts Rule of Order to bring order to previously unorganized meetings!



2

## PURPOSE OF RULES OF PROCEDURE

To govern the conduct of members during the meeting; to govern the relationship between the members and the public during the meeting; among the members during the meeting; between the members and the staff

To set expectations for these groups and provide for fair exchange of information while bringing resolution to issues and procedures that are necessary for the proper execution of the mission of the Commission.

3

## Governing Documents



4

## Parliamentary Basics

- 1. NOTICE
- 2. QUORUM
- 3. MOTIONS
- 4. DISCUSSION OR DEBATE
- 5. VOTING
- 6. MAJORITY RULE
  - THE EXCEPTIONS TO MAJORITY RULE SUPPORT THE PRINCIPLES OF NOTICE, QUORUM & DEBATE
- 7. RECORDS OF ACTIONS TAKEN



5

## Notice

- Annual notice of regularly scheduled meeting calendar
  - Post at location of meeting
- 24 hour minimum notice of individual meetings to public & media
  - Posting of notice and agenda:
    - The location of meeting,
    - Media requesting notice and
    - County website (if regularly maintained) (Act 70 of 2015)



6

## Quorum

- No official action can be taken without a quorum present
  - Null & void absent a quorum
- Majority of meeting require a simple majority of members – 50% plus 1
  - Governing document may set quorum
- Absent a quorum?
  - Adjourn
  - Recess and try to get a quorum
  - Fix the time to adjourn



7

## Motions

- 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



8

## Motions: Amendments

- Three types of amendments .. strike, insert, or strike and insert
- Main motion - an amendment - and an amendment to an amendment
- Amendments limited to immediately pending motion and must be germane
- What is a “friendly amendment: Amendments modify the previous motion”



9

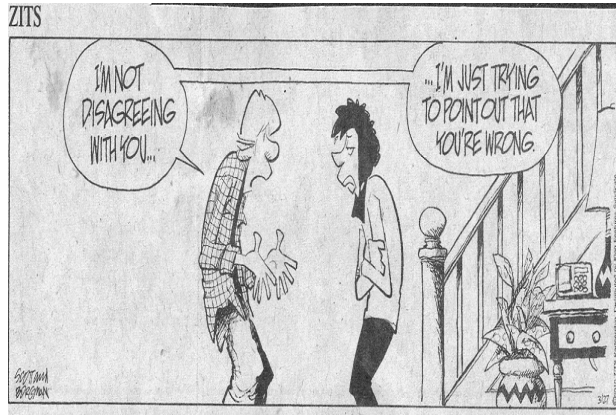
### SIMPLIFIED CHART OF PARLIAMENTARY MOTIONS

Motion	Debatable	Amendable	Vote
Adjournment	no	no	majority
Recess	no	yes	majority
Lay on the table	no	no	majority
Close debate	no	no	2/3
Limit/Close Debate	no	yes	2/3
Postpone definitely	yes	yes	majority
Refer to committee	yes	yes	majority
Amend amendment	yes	no	majority
Amend main motion	yes	yes	majority
Main motion	yes	yes	majority



10

## Debate



11

## Debate

- 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 when debate exhausted



12

## Voting

- Generally by voice/show of hands
- 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?



13

## 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



14

## Role of the Chair

- Set agenda and ensure materials are distributed to members
- Preside at meeting/hearings
  - Keep the meeting from “*going off the rails*” while not “*controlling*” the meeting
- Maintain order and decorum
  - Extends to public and members
- Rule on points and motions
- Recognize speakers



15

## Agenda & Amendments

- Agendas are now required at **all** public meetings
- Act 70 now restricts the ability to **add** items to the agenda once it is posted!
  - **Before the meeting**
    - items may be **added** so long as a new 24 hour notice is provided
    - If less than 24 hours – delay the meeting or wait until meeting begins
  - **Once the Meeting has begun**
    - an item for which action can be taken may be **added** with a 2/3 vote.
    - **Final action** item added must have 2/3 vote and a finding by the chair that an **emergency or exigent** circumstance exists.
      - September 2018 Berkeley County A.G. opinion

16



## Ethical Issues & Meetings

- SC Code 8-13-700: Member can't use their office to obtain an economic benefit for the member, family, or business/associates
  - Must file a conflict letter with the chair – published in the minutes
  - Can't take any part in debate or vote
    - *avoiding the perception of participation*
- Quorum issues after *Preston* (Ct. App. 2017)
  - *Anderson County v. Preston*: If the court disqualifies a vote cast – it does not count towards a quorum
- Difference between Conflict and Bias



17

## Postponing/Reviving Matters

- 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*



18

## Requests and Inquiries

- 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



19

## Quasi-Judicial Hearing

- Individual application/appeal
- Members sit in a judicial capacity – limited in council setting
- Constitutional due process and equal protection issues
  - **Impartiality is essential!**
  - Decisions are to be based on presented evidence only
    - Potential for appealable error
- Applicant has the burden of proof
  - Speaks first and last
  - Evidence from staff



20

## Public Hearings

- Statutorily required for certain actions
  - Personal & property notice
- Publically announce rules for public input
  - Time limits; for/against; number of speakers
- Follow the agenda
- Maintain decorum and public safety
  - Don't allow speakers to attack other speakers or members
- Goal is for members to receive information
  - Members should refrain from personal comments or remarks to speakers



21

## Minutes

- Section 30-4-90 requires that minutes be made for all meetings of any public body. The minimum content of these is
  - 1) the date time and place of the meeting
  - 2) recording of the members present and absent
  - 3) the substance of all matters proposed, discussed or decided
  - 4) a record of votes taken
  - 5) any other information requested to be included by a member
- Electronic retention of official recording
- The Act permits any person to record the meeting with video or audio



22

# ??Questions??

