



BASIC PARLIAMENTARY PROCEDURE FOR TOWN BOARD MEETINGS

Parliamentary procedure refers to the set of rules that govern how business is carried out by a deliberative assembly (e.g., a local governing board). Although parliamentary law has a long history, its formal origins can be traced to the English Parliament. Several books on procedure have been written since the first recording of procedural rules in 1547.¹ It is important to remember that the rules of parliamentary procedure are not uniform among the various books. Many editors have tried updating or improving the rules which has resulted in different rules.

The authority and obligations of local governments are largely provided by the state legislature and set forth in state statute. The statutes are nearly silent on parliamentary procedure for local governments. Other than the few rules for annual and special town meetings, the Open Meeting Law (OML) provides the single largest source of meeting requirements for towns.

A. Open Meeting Law:² The purpose of the OML is to prevent public matters from being decided in secret, to keep the public remains informed, and to provide an opportunity for the public to engage. To achieve these goals, the legislature requires town boards and the powers delegated by them to satisfy certain requirements before and during meetings. Boards must always keep OML rules in mind whenever a quorum of supervisors are present (i.e., two supervisors on a three-supervisor board or three supervisors on a five-supervisor board).

B. Annual Town Meetings: While the focus here will be board meetings, it is worth noting the few statutes regarding procedure for the annual and special town meetings.

- The clerk calls the meeting to order within one hour of when the meeting is to convene.³
- A moderator is selected by the people and is required to state the order of business for the meeting.⁴
- A proposition to vote on a tax must not be acted on out of the order of business state by the moderator.⁵

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

² Minn. Stat. Chap. 13D

³ Minn. Stat. § 365.54, subd. 2.

⁴ Minn. Stat. § 365.56, subd. 1.

⁵ Minn. Stat. § 365.56, subd. 3.

- A motion to reconsider a vote must be made within one-half hour of the vote. To pass, a motion to reconsider must be favored by a majority of the electors entered on the election register when the motion is made.⁶
- All questions on motions except a motion to reconsider are decided by a majority of the electors voting on the question.⁷
- The moderator shall decide and declare the vote on each question.⁸

I. ADOPTING RULES OF PROCEDURE

When considering adopting rules of procedure, we should first see if the rules are even necessary, few town boards have formally adopted a set of procedural rules. Instead, most use an informal set of rules loosely modeled on Roberts' Rules of Order or rules the members may be familiar to them. Informal rules may be all some boards ever need. Adopting a full set of rules can unnecessarily complicate meetings of agreeable boards. In fact, because the rules reflect proceedings of large assemblies, and are extremely restrictive, to the point of prohibiting many common practices or putting boards into situations they were not prepared for.⁹ However, there are boards that find themselves in need of formal rules. This need may arise from a large volume of business, handling controversial matters, greater public participation, persistent disagreement on the boards, etc.

However, even if the town board decides not to adopt rules of procedure, all boards must act fairly and consistently when conducting their meetings. Conducting meetings fairly will aid the board more than adopting several rules, especially if the board is not committed to strictly following the rules it adopts.

If the board plans on adopting rules, they must be carefully considered. Once a rule is created, the board must follow it. One way to circumvent this issue is when adopting rules, consider including a provision allowing the board to suspend the rules when deemed necessary. Such a rule cannot apply to statutory requirements placed on the board. Finally, when formally adopting the rule, it should be done by resolution (i.e. should be written down). Post a copy of the rules at the town hall. If a book of rules (like Roberts' Rules) is adopted, the posting should specify the title and edition of the book the board is using.

⁶ Minn. Stat. § 365.56, subd. 4.

⁷ Minn. Stat. § 365.56, subd. 5.

⁸ Minn. Stat. § 365.56, subd. 6.

⁹ Roberts' Rules of Order Newly Revised, 11th edition, pp. 487-488 states that small boards, which are boards of twelve or less, do not need to second motions, so an officer who moves essentially seconds his own motion, potentially leaving a township in a situation that they did not intend to be in.

II. SOME COMMON RULES OF PROCEDURE

Below are common motions used during any town board proceeding, whether a set of rules of procedure were adopted.

- **Main Motion:** Used to bring business before the board.
- **Amend:** Used primarily to improve the wording of a main motion. The amendments must be on the same subject to the main motion. New subjects may not be introduced as an amendment. A vote on an amendment does not force one to vote for a main motion. An amendment may only be amended once.
- **Lay on the Table:** This motion is often incorrectly used in place of a motion to “postpone definitely.” Used to immediately end debate on a motion to allow the board to take up a matter of immediate urgency that has arisen. There is no set time for taking the matter up again, but it can be revived at any time (including the same meeting) by a motion to take from the table.
- **Postpone Definitely (AKA: Postpone to a Certain Time):** Used to put off consideration of a motion to a specified time. The specified time could be the same meeting, a later date, a specified event, etc.
- **Postpone Indefinitely:** Used to kill a motion. Unlike the motions to “lay on the table” or “postpone definitely,” if passed, the main motion may not be brought up again during the same meeting.
- **Close Debate (AKA Call the Question or Previous Question):** Used to immediately close debate and bring to a vote a matter before the board. This motion must be seconded, voted on, and passed by a 2/3 vote. If the motion is not passed, the debate may continue.
- **Point of Order:** Used when a supervisor believes the procedural rules are not being properly followed. This motion is not seconded or voted on. Instead, the chair is required to rule on the issue and abide by the decision.

III. MAKING A MOTION

Only supervisors are authorized to make and second motions at town board meetings. The clerk,¹⁰ treasurer, and members of the public cannot participate in the making or seconding of motions. Although town board chairs conduct the meeting, they only have the same authority as other supervisors to make and second motions. The scope of debate on a motion depends upon the board’s policy. All the supervisors are authorized to participate in the debate on a motion, but the extent to which the clerk, treasurer, and members of the public can participate depends upon the board’s

¹⁰ The clerk is authorized to participate in the vote to appoint someone to fill a supervisor vacancy (Minn. Stat. § 367.03, subd. 6) and may be involved in deciding whether to call a special town meeting (Minn. Stat. § 365.52, subd. 1).

policy. Each board needs to determine how it will handle this issue. However, no board should attempt to completely exclude comments from the clerk, treasurer, or the public. These positions are too vital to the operation of the town to discount their ideas and also injure the public trust entrusted to the board.

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

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

IV. DEALING WITH ADVERSITY AT BOARD MEETINGS

One of the most difficult aspects of serving on local governing boards is dealing with conflict, both among town officers and members of the public. While there are no guaranteed methods of handling these conflicts, there are techniques that may help defuse difficult situations. The following are some possible techniques:

- A. Use Agendas:** Developing and following an agenda can prevent meetings from going off topic and allow the public to see the order of events.
- B. Establish Rules for Public Participation:** Several approaches may be taken to allow public participation in a way that will not disrupt the meeting. For instance, it is possible to allow only those who contacted the clerk before the meeting to be placed on the agenda to speak. Although it should not be necessary, reminding of the rules of public participation at the beginning of the meeting may help keep order. The board should review different approaches and adopt the rules that will work best for its township.
- C. Learn and Respect Rules of Procedure:** It is important for supervisors to have a basic working knowledge of procedural rules. This is particularly true for the chair since they are the presiding officer of board meetings. Furthermore, the chair and the board should be committed to following and upholding the rules during their meetings. When the board demonstrates its commitment to respecting the rules of procedure during its business, the public is more likely to abide by the rules and decisions of the board.

- D. Don't Take it Personally:** Often anger can be directed at the board or a particular supervisor. Thus, is usually an expression of dissatisfaction over “the system” rather than a personal attack. It just so happens that you can occasionally make decisions that someone will not like.
- E. Talk it Through:** Do your best to allow the person to explain the problem. Refusing to allow a person to speak usually makes matters worse. Do not allow abusive language or swearing and be especially careful not to use it yourself. Once the problem has been aired, you are in a better position to resolve it. Sometimes no amount of talking or explaining will help the situation.
- F. Don't Put Things Off:** When a resident comes before the board, try to handle the issue promptly. Even though we can tend to put off difficult or complicated matters, they will likely only become worse over time.
- G. Explain Decisions:** From both a public relations and a legal perspective it is important for boards to state and record the reasons and findings behind their decisions. However, it is not necessary to provide findings for all decisions. Generally, the more complicated, controversial, or important a decision, the more important it becomes to record findings.

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