

City of Moscow, Idaho



Public Meetings Handbook

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PUBLIC MEETINGS HANDBOOK

INTRODUCTION

As you know, all public meetings are governed by Idaho Open Meeting Law (Idaho Code § 74-201 through 74-208). Although the Idaho Open Meetings Law sets out the legal requirements for a public meeting, the manner in which that meeting is conducted is left to the City and to the various members of the Council, Board, Commission, Committee, or Task Force holding such a meeting. The purpose of this manual is to assist you in participating in the meeting process and to make suggestions regarding effective meetings. This manual includes practical tips on how to prepare for and participate in a public meeting and it introduces you to the basics of parliamentary procedure. Even though this manual is an attempt to answer frequently asked questions, it should not be considered as a substitute for preparation or common sense. While the City generally uses Robert's Rules of Order as a template for the carrying out of a meeting in a consistent, predictable and orderly manner, process and procedure should be secondary to open access to government.

Finally, even though adherence to parliamentary procedure is advisable, the "bottom line" should always be that government is the servant of the people and, therefore, function should supersede form if a choice needs to be made between the two.

I. MEETINGS

A. Agenda Preparation and Notice

1. For all meetings.

The agenda of the upcoming meeting must be prepared and made available to the public no less than forty eight (48) hours prior to the beginning of the meeting. If a "special" meeting is to be held,

the agenda notice must occur at least twenty four (24) hours prior to the meeting (unless an emergency exists).

Because true emergencies are rare, in most cases the agenda prepared should be followed. A good faith effort must be made to include in the original agenda all probable items of discussion. Where an item needs to be added to the agenda (because it could not have been anticipated or there is a need to make a decision on it that cannot wait until the subsequent meeting), it may be added to the agenda. In order to add an item to an agenda, the chair should introduce the proposed addition and the majority should determine whether to add it to the agenda and should also explain the “good faith reason” that necessitates the last minute adding of the agenda item.

It is recommended that the discussion regarding the possibility of adding an agenda item should occur at the beginning of the meeting and that the item added should be considered at the end of the meeting. This might allow those interested in the newly added item to have a little time to prepare for its consideration.

2. For City Council, Public Works/Finance Committee, and Administrative Committee:

The City Supervisor normally gathers information from the Mayor, the Public Works/Finance Committee, the Administrative Committee, and City department heads, and, as directed by the Mayor, instructs the City Clerk on how to put together the agenda for the regular and special Council meetings and for the Council Committee meetings as they occur. The deadline for submission of Council agenda items is usually noon the Wednesday prior to the subsequent City Council meeting. The City Clerk publishes the agenda as required by Idaho State Statute. Currently minutes are kept by the City Clerk or someone under the direction of the City Clerk.

City Council agenda can generally be found (a) posted on the first floor of the City Hall; (b) at the City's website <http://www.moscow.id.us>; (c) on Channel 13; and (d) by request from the City Clerk, (208) 883-7000.

3. For the Board of Adjustment and the Planning and Zoning Commission:

The Community Planning Director, with input from staff and pursuant to the Local Land Use Planning Act requirements, formulates the agenda for Boards and Commissions. Since many items on the agendas are pursuant to Moscow Zoning Code and/or the Local Land Use Planning Act and require certain statutory notifications, the items included in agendas are frequently directed by statutes and ordinances. Currently minutes are taken by a member of the Community Development Director's staff.

4. For a Committee or Task Force:

Agendas for a committee or task force are normally developed by the chair in cooperation with the City staff liaison to the committee or task force. Many times the charge given to a committee or task force directs which items should be placed on the agenda for consideration. The chair has the general responsibility to see that minutes of meetings are kept.

B. Before the Meeting

1. Preparation for the meeting

Preparation for a meeting is sometimes difficult for the busy people who serve, but it is a very effective tool to promote order and efficiency. Usually the most prepared members are the most effective. Where all members are prepared, meetings tend to run smoothly and produce good results. Meeting preparation may include a review of the agenda items and any attachments, reading the relevant rules, procedures or law related to the items on the

agenda, and/or speaking with City staff familiar with the items on the agenda.

Although preparation is important, some decisions must be made only upon information contained in the official record discussed during a meeting where the Council, Board or Commission functions as a quasi judicial body.

2. Consideration of Legislative Items

Legislative action is action taken by a governing body which guides or directs the public by enacting rules and regulations. Legislative action is generally open ended and is broad in its scope. It usually affects a broad class of individuals or groups and usually can be applied to a variety of situations. Formation of a general rule or policy or the consideration and passage of an ordinance or procedure is usually considered legislative action.

There is little restriction on what can be gathered or considered concerning a legislative action. A member can talk to anyone he or she wishes to. The member can gather information from lobbyists, interested groups and individuals, magazines, newspapers, printed materials, web sites, and other sources. Because the effect of legislation is broad and general, the process involved in reaching the decision regarding legislation is also very broad.

3. Consideration of Quasi Judicial Items

In contrast to consideration of a legislative item, consideration of a quasi judicial item is far more restrictive. A governing board acts in a quasi judicial capacity when it applies rules and regulations to a particular group or individual or to a particular piece of land, property or interest. Examples of quasi judicial functions include rezoning, lot splits and consolidations, considerations of particular applications, rezoning ordinances, variances, conditional use permits, special use permits, plats, and appeals.

In cases where the Council, Board or Commission acts in a quasi judicial capacity, the only information which should be considered when rendering a decision is that which is presented or acknowledged during the public hearing.

It is highly recommended that there be no preparation by a member prior to a scheduled public hearing other than reading the materials from City staff included with the agenda. While a member may wish to be better informed on a quasi judicial matter, information considered should only be that which is brought forth within the public hearing process.

Because the member acts as though he or she were a “judge” when considering a quasi judicial item, the “judge” should consider only the “evidence” presented in the public forum. In this way, both the applicant and the public can be assured that the decision made regarding the quasi judicial item is based upon the facts and not upon undue or unknown influences.

For more information regarding legislative and quasi judicial matters, you may wish to consult the Public Service Handbook published by the City of Moscow or you may wish to speak with the City Attorney.

4. During the Meeting

a. Start on time.

It is important to start a meeting on time to promote consistency and to set the proper tone for a fair and business-like consideration of the agenda items. Although there are occasions when a meeting cannot begin on time, members should remind themselves that a quorum is necessary in order to conduct business and that there are many people who are affected by items to be considered. Members should plan to

arrive on time or should let the chair know in advance of any planned absence.

b. Minutes.

Someone other than the chair should be assigned to take the minutes of the meeting. If the person who is normally assigned to take minutes does not attend, someone other than the chair should take minutes of the meeting. Minutes should reflect, in general, what occurred during the meeting. Motions made and votes on motions or other actions should be recorded in the minutes. Minutes do not need to be a verbatim account of everything that occurred during the meeting, but they do need to give a subsequent reader a general idea of motions considered, discussion regarding the motions, and actions (including notes) taken by the group.

c. Follow the agenda.

The purpose of an agenda is to organize and publish the order of business in a logical manner. The agenda should be followed where possible. Occasionally, changes in an agenda may be made during a meeting. Reasons for reordering agenda items may be (a) to accommodate a large group of people who are interested in one particular item; (b) to “buy time” while waiting for important participants on an agenda item to appear; (c) to insure a noticed public hearing begins when scheduled; or (d) to proceed with business in a logical manner. The person in charge of the meeting has the right and the duty to rearrange the agenda as appropriate.

If an agenda item is to be considered for addition to the agenda, the chair should explain the reasons for failure to include the agenda item and should propose its addition to the agenda. Upon a finding of a good faith reason for failure to add the item to the published agenda, a majority should vote on the item to be added. If the item is added to the agenda, it is suggested that it occur last in the meeting so that some time can

be given to prepare for the added agenda item. In most cases, an item not appearing on the agenda can simply be deferred to a subsequent meeting; however, there are occasions where time is of the essence or there is an emergency that requires action to be taken that cannot wait until a subsequent meeting.

d. The order of business in a meeting.

i. Approval of minutes. Most agendas list approval of minutes as one of the first items of business. This is logical because it wraps up any business from the previous meeting and confirms the accuracy of the previous meeting's proceedings. Many times the only permanently kept record of a meeting is the minutes. Any amendments to minutes which makes them more complete or accurate should be considered prior to adoption of the minutes.

ii. Consent agenda items. Much of the business of any standing governing board is routine and/or without controversy. For purposes of efficiency, such items are put on an agenda as "consent" items. Typical consent agenda items include approval of routine license renewals, items administered by staff but which require approval of a governing board, and the like. You should remember that any consent agenda item may be moved onto the regular agenda by a motion. In other words, a consent agenda item only remains so if there is consent.

iii. Regular agenda items. Regular agenda items are those which require discussion and/or input prior to passage. Including an agenda item on the regular agenda is the mechanism whereby a full and fair consideration can be given an issue. Most issues of import will be regular agenda items.

iv. Publicly noticed hearings. Certain issues to be considered by a governing board must follow legally

established procedures. Many financial, land use, and environmental related matters must be considered in a publicly noticed hearing. Typical publicly noticed hearings include zoning ordinances, matters requiring federal monies, changes to the local zoning, subdivision ordinances, or as specifically required by law. A publicly noticed hearing must occur on or after the specific time set for such hearing. Most publicly noticed hearings are quasi judicial in nature.

v. Reports. Reports are usually considered following the close of action items on the agenda. This is a good opportunity for members to report on activities by sub-committees or other organizations they belong to. Reports keep all of the members generally informed of one another's activities and it also informs the public of work and effort on their behalf.

vi. Executive session (where proper). An executive session is allowed by Idaho Code where a matter is of import to the governing board but is not yet ripe for a final decision by the governing board or for dissemination to the public. An executive session may be held to consider personnel issues, acquisition of real property, public records which are exempt from disclosure, preliminary negotiations or litigation. No executive session may be held for the purpose of taking any final action or making any final decision. I.C. § 74-206. Executive sessions are used sparingly and are not to be substitutes for public decision making.

C. After the Meeting

Because each Council, Board, Commission and Committee functions as an on-going body, it is important that, following a meeting, there is consideration of what needs to be done to follow up on the

business conducted in the meeting and in preparation of the next meeting. The following is a check list which may help you to organize meeting follow-up:

1. Was the decision made final? If the decision made was final, was a clear “reasoned statement” memorialized in writing, in the minutes, or otherwise?
2. Was the City Clerk or minute taker given all materials submitted in support of the final decision?
3. Is there a need for individual follow up?
4. Was I given an assignment related to the meeting?
5. Do I know when the next meeting will take place? Will I attend or do I need to let someone know of my absence?
6. Was the decision “held over”?
7. Do I need to avoid ex parte communications on this issue prior to a final decision or prior to the expiration of an appeal time?
8. Could I have done something differently to make the meeting more effective?
9. Is there a suggestion I can make about improving the efficiency of the Council, Board, Commission or Committee on which I serve?
10. Do I need more information before the next meeting?

II. PARLIAMENTARY PROCEDURE

A. Robert's Rules of Order

1. Introduction

Robert's Rules of Order are based upon procedures used in British Parliament which were originally developed so that meetings would be conducted in a fair and orderly manner, so that the presiding officer would not be able to bully or dominate members, and in order to protect and balance the right of the majority, minority, individual members, absent members, and all of these together. President Thomas Jefferson utilized the rules for Congress. Henry Martin Robert later modified the British Parliamentary Rules to meet the needs of organizations in general. Robert wanted to move meetings along fairly and efficiently but also wanted to develop a procedure to allow the proper consideration of controversial issues.

Parliamentary procedure has sometimes been described as an application of the Golden Rule with common sense and courtesy.

2. How Business Gets Done Under Robert's Rules

a. The Main Motion

There is nothing mysterious about how business gets done under Robert's Rules of Order.

The person in charge of the meeting normally announces what item on the agenda will be considered next. Most of the time the person in charge moves in an orderly fashion down the agenda and moderates the discharge of each item. Occasionally, the person in charge may deviate from the exact order of the agenda in order to handle business more expeditiously.

After the person in charge determines what item of business should be considered next, there may be a short presentation by the person in charge, by staff, or by an applicant or presenter. That person may give a brief history of developments up to the point of consideration, may review the reason why the item is on the agenda, and/or may suggest a process or outcome which is appropriate or desired.

The person in charge may review with the members how he or she wishes the item to be considered. The person in charge may then recognize a member who is then said to “have the floor”.

The member who has the floor usually proposes action in the form of a motion by saying “I move that” followed by what the member wishes to have considered. The motion requires a second, which is just an indication that the member seconding the motion wishes the matter to come before the other members for consideration. If a motion is made but not seconded, the motion is not considered (because it is then apparent that no one, other than the movant, wishes the motion to be considered).

Following a second, the person in charge either restates the motion or allows the discussion to occur by recognizing different members during a discussion which considers the motion. It is the responsibility of the person in charge to allow for a fair discussion to occur. The person in charge should call on both those in favor of and those opposed to the motion so that there can be a fair exposition of all the parties’ opinions on the matter. The person in charge also should insure that nothing other than the motion considered is discussed. If there is more to consider than what is in the motion, the person in charge can always allow for the discussion at a later time in the same or different meeting.

If, during the discussion, the motion needs to be amended, there are rules which allow for such an amendment.

When all the members have had an opportunity to discuss the motion and the person in charge believes that it is time, the motion is then put to a vote. This is usually done by requesting all those in favor to say “Aye” and all of those opposed to say “Nay” or “No”. If it cannot be determined from the voice vote whether the motion passed, the person in charge can always ask for a “role call” vote where each individual member says “Aye” or “Nay” in turn.

After the vote is taken, the person in charge announces the result of the vote, after which another motion may be made.

This is the basic “engine” of the Robert’s Rules of Order (although there are various permutations and deviations from the basic format as needed).

b. Other Motions

In order to keep the “engine” running, there are rules which establish a hierarchy of motions (i.e., privileged motions, subsidiary motions, and main motions) and there are rules which bring back motions for consideration and other incidental motions which are generally used to address the way the procedure be carried out.

Included in the center of this pamphlet is a chart which sets out the basic rules related to the commonly used motions. You should note that some are to be used when the movant has the floor; some need a second and some do not; some are debatable and some are not; some are able to be amended and some are not; and some require majority vote while others require a 2/3 vote or no vote. While it is preferable that each member familiarize themselves with the types of motions and those

activities which are related to them, it is not essential that each member understand each rule and its potential exceptions.

c. Finding Copies of Robert's Rules of Order

The City Clerk has a copy of "Pointers on Parliamentary Procedure" and the current edition of "Robert's Rules of Order Newly Revised". Copies of Robert's Rules of Order are available at the public libraries, book stores and on the internet. Some current internet web sites which contain Robert's Rules of Order are as follows:

<http://www.parliamentarians.org>

<http://www.robertsrules.com>

<http://msucares.com/pubs/publications/p0216.pdf>

d. Hints on Robert's Rules of Order

Robert's Rules of Order work best when all participants remember the following:

- i. The decisions of the organization supersedes the desires of any individual or group of individuals.
- ii. Remarks are always directed through the chair.
- iii. Personal remarks are always out of order.
- iv. All members have equal rights.
- v. Only one (1) main motion should be considered at a time and only one (1) member at a time should speak.
- vi. A member should not be allowed to speak twice on the same topic without first allowing others to speak if they wish.

vii. Most of the time, a majority vote decides a question unless the basic rights of members are involved (in which case a larger vote is required).

viii. Once the question is settled it may not be presented in a different form or as an “end-run” around the decision that was just made. The only way to bring up the same question again at the same meeting is by moving to reconsider the vote on the same motion.

ix. Two-thirds (2/3) votes are usually necessary where a motion would cut off fundamental rights of a member (e.g., changing the rules of the on-going debate, cutting off the debate, closing nominations, or rescinding an action without notice). There is a minimum number of voting members who must be present in order to transact business legally.

x. For example, a “quorum” is a majority of the full City Council. MCC 2-2-3. A majority is one-half plus one ($1/2 + 1$) of all members present who are legally entitled to vote.

B. The Role of the Person in Charge

The presiding officer of the meeting generally has the following responsibilities:

1. Open the meeting on time and call the meeting to order.
2. Generally announce in proper sequence the business on the agenda.
3. Recognize members who are entitled to the floor.

4. State and put to a vote all legitimate questions which arise during the meeting. If a motion is out of order, the person in charge should rule it out of order.
5. Protect the governing body from frivolous, repetitive or delaying motions or commands, by refusing to recognize or to allow them.
6. Evenhandedly enforce the rules regarding debate and keep order.
7. Expedite business in a way compatible with the rights and desires of the members and others.
8. Make the ultimate decision on questions of order (in consultation with staff, if necessary).

C. The Role of Members

1. Members should make every effort to prepare for every meeting, to attend every meeting, and to be on time for every meeting.
2. Members should understand the rules of procedure as well as parliamentary procedure and abide by them.
3. Members should address all remarks through the person in charge.
4. Members should use their parliamentary knowledge in a constructive manner rather than to use it to hinder or to obstruct the business of the meeting.
5. Members should be knowledgeable and familiar with the issues before them so that they can participate in the meeting by:

- a. Introducing motions;
 - b. Seconding another member's motion;
 - c. Discussing the issue according to the rules or asking questions of information regarding issues;
 - d. Voting:
 - i. A member may vote but cannot be forced to do so. Remember, a member should not vote if he or she has a conflict of interest as defined by Idaho law;
 - ii. A member may change a vote before the person in charge announces the result of the vote. After the result of the vote is announced, a majority of the members must vote to allow a member to change his or her vote;
 - iii. A member may request a "role call" when a voice vote is in doubt.
6. Members should enjoy their experience!

D. Questions Which Might Improve a Discussion

- 1. To Open Discussion:
 - a. "Could we clarify the terms connected with this topic?";
 - b. "What do you think is the general idea or problem?";
 - c. "What are the elements essential to understanding the topic?";

- d. “Would anyone care to offer suggestions on facts we need to better our understanding of the problem or topic?”
2. To Broaden Participation:
 - a. “Now that we have heard from a number of our members, would others who have not spoken like to add their ideas?”;
 - b. “How do the ideas presented thus far sound to those of you who have been thinking about them?”
3. To Limit Participation:
 - a. “We appreciate your contributions. However, it might be well to hear from some of the others. Would some of you who have not spoken care to add your ideas to those already expressed?”;
 - b. “You have made several good statements, and I am wondering if someone else might like to make some remarks.”;
 - c. “Since all our group members have not yet had an opportunity to speak, I wonder if you could hold your comments until a little later?”.
4. To Focus Discussion:
 - a. “Where are we now in relation to our goal for this discussion?”;
 - b. “Would you like to have me review my understanding of the things we have said and the progress we have made in this discussion?”;

- c. “Your comment is interesting. However, I wonder if it is quite on target for the problem we’re discussing.”
5. To Help the Group Move Along:
 - a. “I wonder if we have spent enough time on this phase of the problem. Should we move to another aspect of it?”;
 - b. “Have we gone into this part of the problem far enough so that we might now shift our attention and consider this additional area?”;
 - c. “In view of the item we have set for ourselves, would it not be well to look at the next question before us?”
6. To Help the Group Evaluate Itself:
 - a. “I wonder if any of you have a feeling that we are blocked on the particular question; why are we tending to slow down?”;
 - b. “Should we take a look at our original objective for this discussion and see where we are in relation to it?”;
 - c. “Now that we are nearing the conclusion of our meeting, would anyone like to offer suggestions on how we might improve our next meeting?”
7. To Help the Group Reach a Decision:
 - a. “Am I right in sensing agreement on these points?” (Chair then gives a brief summary);
 - b. “Since we tend to be moving in the direction of a decision, should we consider what it will mean for our group if we decide the matter in this way?”;

- c. “What have we accomplished in our discussion up to this point?”
8. To Lend Continuity to the Discussion:
- a. “Since we had time for a particular consideration of the problem at the last meeting, would someone care to review what we covered then?”;
 - b. “Since we cannot reach a decision at this meeting, what are some of the points we should take up at the next one?”;
 - c. “Would someone care to suggest points which need further study before we convene again?”

III. Parliamentary Procedure (Table)

<u>Privileged Motions</u>	<u>Say This</u>
Adjourn the meeting	“I move that we adjourn.”
Recess the meeting	“I move that we recess until...”
Make a complaint or request	“Question of privilege”
Calls for Orders of the Day	“I call for orders of the day.”

<u>Subsidiary Motions</u>	<u>Say This</u>
Suspend further consideration of something	“I move to lay the question on the table.”
End debate	“I move the previous question.”
Limit or extend limits of debate	“I move that debate be limited/extended to...”
Postpone to a certain time	“I move to postpone the question to...”
Have something studied further	“I move to refer the question to...”
Change a motion	“I move to amend the motion by...”
Division of a question	“I move to divide...”
Postpone indefinitely	“I move to postpone the motion indefinitely.”

<u>Main Motions</u>	<u>Say This</u>
Introduce a main motion	“I move that...”
Take up a matter tabled	“I move that we take from the table...”
Reconsider something already voted on	“I move to reconsider the vote on the motion...”

<u>Incidental Motions</u>	<u>Say This</u>
Object to procedure	“Point of Order”
Ask Chair about parliamentary procedure	“Parliamentary Inquiry”
Request information	“Point of information”
Question the announced vote	“Division of the house”
Object to considering something improper	“I object to the consideration of the question”
Change rules or order of business	“I move we suspend the rules to...”
Vote on ruling of the chair	“I appeal from the decision of the chair”
Withdraw motion (by maker of the motion)	“I ask permission to withdraw the motion”

<u>Interrupt Speaker</u>	<u>Second Needed?</u>	<u>Debatable</u>	<u>Amendable</u>	<u>Vote</u>
No	Yes	No	No	Majority
No	Yes	No	Yes	Majority
Yes	No	No	No	None
Yes	No	No	No	2/3 to override

<u>Interrupt Speaker</u>	<u>Second Needed?</u>	<u>Debatable</u>	<u>Amendable</u>	<u>Reconsider The Vote</u>
No	Yes	No	No	Majority
No	Yes	No	No	2/3
No	Yes	No	Yes	2/3
No	Yes	Yes	Yes	Majority
No	Yes	Yes	Yes	Majority
No	Yes	Yes	Yes	Majority
No	Yes	No	Yes	Majority
No	Yes	Yes	No	Majority

<u>Interrupt Speaker</u>	<u>Second Needed?</u>	<u>Debatable</u>	<u>Amendable</u>	<u>Reconsider The Vote</u>
No	Yes	Yes	Yes	Majority
No	Yes	No	No	Majority
No	Yes	Yes	No	Majority
No				

<u>Interrupt Speaker</u>	<u>Second Needed?</u>	<u>Debatable</u>	<u>Amendable</u>	<u>Reconsider The Vote</u>
Yes	No	No	No	None
Yes	No	No	No	None
Yes	No	No	No	None
Yes	No	No	No	None
Yes	No	No	No	2/3
No	Yes	No	No	2/3
Yes	Yes	Yes	No	Majority
Yes	No	No	No	None
	(unless obj)			(unless obj)

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