

# PARLIAMENTARY PROCEDURE FOR COMMISSIONERS

From Sturgis, *Standard Code of Parliamentary Procedure* (4th ed.)

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## **1. Formal Rules of Debate**

- a. Commissioners must be recognized by the chair before speaking.
- b. Everyone must have a chance to speak before anyone can speak again.
- c. No cross conversations.
- d. No interruptions with limited exceptions (e.g. point of order).
- a. Any commissioner may ask that a motion be restated or clarified before voting.

## **2. Motion for Informal Consideration**

- a. Allows the commission to discuss an item informally without following the formal rules of debate.
- b. If no motion is pending, the informal discussion continues until a consensus is reached and a commissioner makes a motion. The motion is then debated under formal rules.
- c. If a motion is already being considered, the informal discussion continues until the commissioners decide to take a vote on the motion.

### 3. Approval by General Consent

- a. Routine or non-controversial items may be decided by general consent.
- b. After the motion is moved and seconded, the chair restates the motion and asks if there is an objection.
- c. If there is no objection, the chair announces that the motion has carried by general consent.
- d. If anyone objects, the motion must be debated and voted on.

### 4. Amendments

#### a. **Friendly Amendments**

1. Before the chair has re-stated the motion and opened debate, the maker of the motion can accept suggested changes (“friendly amendments”)
2. After the chair opens the motion for debate, amending the motion requires the consent of the commission.
3. A commissioner may suggest a “friendly amendment” during debate. If the maker agrees and no one objects, the chair should announce that the motion is amended by general consent.
4. If the maker of the motion does not accept the friendly amendment, or any commissioner objects, a formal motion to amend is required.

#### b. **Formal Motion to Amend**

1. Must be germane to the pending motion.
2. May completely replace the pending motion. This is called a “motion to amend by substitution of a new motion”.
3. Requires a second.
4. The primary motion to amend can be amended by 2nd rank motion to amend, but 3rd rank motions are not allowed.
5. Only one motion of each rank can be pending at a time. However, an unlimited number of motions to amend can be made and decided in succession.
6. Debate is limited to the amendment until disposed of.
7. Amendments are voted on in reverse order of their proposal.

8. If after a series of amendments, the motion becomes extremely confused, a “motion to suspend the rules” can be used to nullify everything that has occurred and start over (also known as a “Gordian Knot” motion) (requires 2/3 vote or general consent).
9. An amendment only requires a majority vote of the quorum, even if the main motion requires a higher vote.

## 5. Withdrawing a Motion

### a. **By the Maker**

1. Before the chair opens debate on a motion, the maker can withdraw the motion simply by stating that it is withdrawn.
2. After the motion is opened to debate, withdrawal requires the permission of the commission either by general consent or motion.

### b. **Withdrawal by General Consent**

1. The maker makes a request to the chair that he or she be allowed to withdraw the motion.
2. The chair asks if there is any objection. If there is no objection, the chair announces that the motion is withdrawn by general consent.

### c. **Motion to Withdraw**

1. Does not require a second.
2. Does not require consent of the seconder of the motion.
3. Not debatable.
4. Not subject to any other motions.
5. Requires majority vote.

## 6. Changing a Previous Action

### a. **Motion to Reconsider**

1. Applies to an item previously approved at the same meeting.
2. May be made at any time during the meeting.
3. Requires a second.
4. Cannot be amended.
5. Debate is limited to discussion of whether to reconsider.
6. Requires majority vote.
7. Cancels the earlier vote as if it had never been voted on.

b. **Motion to Rescind**

1. Applies to items approved at a previous meeting.
2. Is an action that must be on the agenda per Brown Act.
3. Requires a second.
4. Cannot be amended.
5. Opens to debate the motion it proposes to amend.
6. If original motion required more than a majority of the quorum to pass, the same vote is required to rescind.

7. **Continuances**

a. **Motion to Postpone (Continue) to a Time Certain**

1. Postpones the item to later in the meeting or another date.
2. Requires a second.
3. Debate is limited to reasons for postponement.
4. Applies to main motions only.
5. Requires majority vote.

b. **Motion to Postpone Temporarily (Table)**

1. Postpones the item until taken up again by a motion to resume.
2. Dies if not resumed before the end of the meeting.
3. Requires a second.
4. Not debatable.
5. Cannot be amended.
6. Applies to main motions only.
7. Requires majority vote unless it is used to close debate on a motion, in which case it requires 2/3 vote.

c. **Motion to Continue to a Time Uncertain**

1. Not actually a recognized motion under standard parliamentary rules. Under Sturgis, an item can be postponed temporarily (tabled) but it must be resumed before the end of the meeting, or it dies without being decided.
2. The Brown Act allows an item to be continued to another meeting in the same manner that a meeting is continued. This means that a date has to be specified or it will be presumed to be at the next regular meeting. ([Gov. Code §§ 54955, 54955.1](#))
3. Technically, if an item is continued to an unspecified future date, it is a new item of business. However, it is common to refer to this informally as a continuance.

d. **Motion to Adjourn to a Later Time**

1. To continue the entire meeting, it is adjourned to a later time ([Gov. Code § 54955](#)).
2. The later meeting is (somewhat confusingly) called an “adjourned” meeting in Roberts Rules of Order, but Sturgis calls it a “continued” meeting.

**8. Motions to Extend or Limit Debate**

- a. Only applies to debate among the commissioners, not public comment.
- b. Must be seconded.
- c. May be debated.
- d. Can only be amended with respect to the time limits imposed.
- e. Motion to extend debate requires a majority vote.
- f. Motion to limit debate requires a 2/3 vote.
- g. It’s also possible to make a motion to close debate immediately and take an immediate vote (cutting off further debate). This is not common in public agency meetings and should not be used unless all members have had ample opportunity to speak. A motion to close debate is not debatable and cannot be amended, and is voted on immediately. It requires a 2/3 vote.
- h. During public comment, the chair may extend or limit the time allocated to each speaker during public comment, as long as it is done in a fair and non-discriminatory manner.

**9. Resolving Problems**

a. **Question of Personal Privilege**

3. Requests immediate action relating to the convenience, comfort, rights or privileges of the commission or a commissioner.
4. May interrupt a speaker.
5. May be either in the form of a request for decision by the chair or a motion to be decided by the commission.
6. If stated as a request to the chair, it is not debatable and requires no vote, but may be appealed if denied.
7. A motion is handled as a main motion.

b. **Point of Order**

8. Calls out a mistake or violation of rules to the chair.
9. Must be made immediately and may interrupt a speaker.
10. Chair decides if the point of order is “well taken” or “not well taken” or may refer the matter to the commission for a vote.
11. Not debatable unless referred to the commission.
12. Cannot be amended.
13. Chair’s decision may be appealed.

c. **Parliamentary Inquiry**

14. Raises a question of procedure to the chair.
15. May be made at any time and may interrupt a speaker.
16. Requires no second.
17. Is not debatable.
18. Cannot be amended.
19. Requires no vote.

b. **Motion to Appeal**

1. Applies to rulings and decisions of the chair.
2. Can interrupt a speaker.
3. Requires a second.
4. Is debatable.
5. Cannot be amended.
6. Takes precedence and must be decided immediately.
7. Requires a majority vote in the negative to overrule the chair.
8. The maker of the motion says, “*I appeal from the decision of the chair.*” The chair states the question as, “*Shall the decision of the chair be sustained?*”

d. **Motion to Suspend Rules (Gordian Knot Motion)**

9. Cancels everything that has been done on the motion and allows for a fresh start when the process has become too confusing.
10. Requires a second.
11. Not debatable.
12. Cannot be amended.
13. Requires 2/3 vote, but often passed by general consent.

**10. Recess and Adjournment**

**a. Motion to Recess**

- 14. Requires a second.
- 15. Debate and amendments are limited to time, duration, or need for the recess.
- 16. Requires majority vote.

**c. Motion to Adjourn**

- 1. Requires a second.
- 2. If a main motion is pending, the motion to adjourn is not debatable and can only be amended as to the time and place.
- 3. If a main motion is not pending, the motion to adjourn is debatable and amendable.
- 4. Requires majority vote.

**11. Voting**

**a. General Rules**

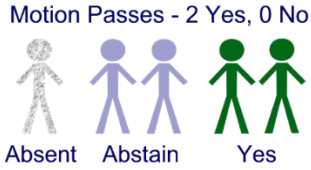
- 1. All actions and votes must be public (no secret ballots). ([Gov. Code § 54953\(c\)](#))
- 2. A quorum (majority of the commission) must be present for the commission to take any action other than calling a recess or adjournment. ([Gov. Code § 36810](#))
- 3. Typically, a simple majority of those present is required. ([Civil Code § 12](#))
- 4. If a statute or rule of parliamentary procedure requires a 2/3 or 4/5 vote, it is rounded up, not rounded down.

	<b>Members present</b>	<b>Majority</b>	<b>2/3</b>	<b>4/5</b>
Quorum for 5 members	3	2	2	3
Quorum for 7 members	4	3	3	4
	5	3	4	4
	6	4	5	5
	7	4	5	6

Note: some laws require 2/3 or 4/5 of “all members” not just the members who are present. These laws rarely involve boards and commissions.

b. **Recusals and Abstentions**

1. **Non-conflict of interest situations**



- i. Count the abstaining members as part of quorum.
- ii. Do not count the abstentions as a vote against.
- iii. If the item only requires a majority of a quorum, it may pass with less than a majority of the members present. For example, if there are 5 members and 2 vote yes, 2 abstain and 1 is absent, the motion carries because a majority of a quorum (2 out of 3) voted in favor.

2. **Financial conflict of interest situations**



- i. Do not count members as part of the quorum who are disqualified due to a financial conflict of interest under FPPC regulations.
- ii. For example, if there are 5 members and 2 vote yes, 2 have a conflict of interest and 1 is absent, the vote is invalid because there is no quorum; only 2 members are present and qualified to vote.

3. **Tie Vote**

- a. A vote can end in a tie if a member is absent and there are an even number of commissioners.
- b. A tie vote means that no action is taken on the item.
- c. If the commission is making a recommendation to the City Council, a tie means the commission has no recommendation either for or against.
- d. If the commission is voting on something where the commission has the final say, a tie means that no decision has been made. This can be problematic if it affects a 3rd party's rights (e.g. permit applications and personnel hearings).
- e. It may be necessary to continue the item or hold a special meeting when all members can be present.



## Principle Rules Governing Motions

Order of Precedence <sup>1</sup>	Interrupt Speaker	Requires Second	Debatable	Amendable	Vote Required
<i>Privileged Motions</i>					
1. Adjourn	No	Yes	Yes <sup>2</sup>	Yes <sup>2</sup>	Majority
2. Recess	No	Yes	Yes <sup>2</sup>	Yes <sup>2</sup>	Majority
3. Question of Privilege	Yes	No	No	No	None
<i>Subsidiary Motions</i>					
4. Postpone Temporarily (Table)	No	Yes	No	No	Majority <sup>3</sup>
5. Close Debate	No	Yes	No	No	2/3
6. Limit Debate	No	Yes	Yes <sup>2</sup>	Yes <sup>2</sup>	2/3
7. Postpone to a time certain	No	Yes	Yes <sup>2</sup>	Yes <sup>2</sup>	Majority
8. Amend	No	Yes	Yes	Yes	Majority <sup>4</sup>
<i>Main Motions</i>					
9. Main Motion	No	Yes	Yes	Yes	Majority
10. Restorative Main Motions					
Amend	No	Yes	Yes	Yes	Majority
Ratify	No	Yes	Yes	Yes	Majority
Reconsider	Yes	Yes	Yes <sup>2</sup>	No	Majority
Rescind	No	Yes	Yes	No	Majority
Resume consideration <sup>5</sup>	No	Yes	Yes	No	Majority

## Incidental Motions

Order of Precedence	Interrupt Speaker	Requires Second	Debatable	Amendable	Vote Required
<i>Motions</i>					
Appeal	Yes	Yes	Yes	No	Majority
Suspend Rules <sup>6</sup>	No	Yes	No	No	2/3
Consider Informally	No	Yes	No	No	Majority
<i>Requests</i>					
Point of Order	Yes	No	No	No	None
Parliamentary Inquiry	Yes	No	No	No	None
Withdraw a Motion	Yes	No	No	No	None <sup>7</sup>

*Standard Code of Parliamentary Procedure (Sturgis)*

<sup>1</sup>A motion is “out of order” if a higher motion is pending.

<sup>2</sup>Only debatable or amendable if no other motion is pending.

<sup>3</sup>Motion to table requires a 2/3 vote if it is used to close a debate that is in progress.

<sup>4</sup>Motion to amend only requires a majority vote, even if the primary motion requires a higher vote.

<sup>5</sup>A tabled item must be resumed before the end of the meeting or it dies.

<sup>6</sup>Motion to suspend rules (“Gordian knot”) is way to erase the pending motion and start over.

<sup>7</sup>A request to withdraw is usually granted by general consent. Otherwise, a motion is required.