

REQUEST FOR COUNCIL ACTION

Date: February 28, 2011
Item No.: 13.b

Department Approval

City Manager Approval



Item Description: Discussion of Suspension of Council Rules

BACKGROUND

At the January 3, 2011 Council meeting, Councilmembers asked why a 2/3 supermajority vote was needed to suspend Council rules.

The City Council follows Rosenberg's Rules of Order to conduct its business. Following an established set of rules, helps to ensure efficiently run meetings in which all sides get an opportunity voice their opinions.

The City Council also has a set of rules to regulate meeting procedures. These rules set common values and expectations, provide structure to a meeting and resolve conflict that promotes the best interest of the city.

There have been occasions in which suspending the rules may be, or seem to be, in the best interest of the Council. Suspension of the rules requires a 2/3 majority, to protect against a majority of members pushing through an action item without notice or debate. A 2/3 vote makes it more difficult to undertake that action.

FINANCIAL IMPACTS

None

STAFF RECOMMENDATION

Discuss whether it is in the Council's best interest to suspend rules with a simple majority or a supermajority.

REQUESTED COUNCIL ACTION

Discuss whether it is in the Council's best interest to suspend rules with a simple majority or a supermajority.

Prepared by: William J. Malinen, City Manager
Attachments: A: Feb. 14, 2011 Memo

MEMORANDUM

TO: Roseville City Council
FROM: Bill Malinen, City Manager
DATE: February 14, 2011
RE: Council Rule # 9 – Suspension of Rules

At your January 3 meeting, the question was raised about the rationale for a 4/5 supermajority vote for the suspension of the Council rules. In researching this topic, I have relied upon information related to parliamentary procedure, as the specific rule refers to the Council adopted Rosenberg's Rules of Order, and prior to the adoption of Rosenberg's Rules, the rule referenced Robert's Rules of Order. I have used a Public Management magazine article by Daniel Fitzpatrick as a foundation to addressing the question.

Development of Parliamentary Procedure

Parliamentary procedure has its basic roots tracing back over two thousand years to the Greeks and Romans. The concept of parliamentary law, procedure and democratic processes became more refined with the British Parliament as early as the 13th century. They developed principles such as considering only one subject at a time, alternating between pro and con during debate, and confining debate to the merits of pending questions. The word parliamentary is a derivative of the French word parler—to speak, discuss, or deliberate.

The basis of parliamentary law is to provide a guide for how to avoid the confusion and chaos that results when members of a group do as they please. The goals are to protect both minority members by allowing debate on all issues and absent members by providing proper notice of fundamental changes, all while assuring the full expression of the will of the majority. The foundation of democracy and self-government calls for the minority, no matter how certain they are of their position, to consent to the rule of the majority.

Parliamentary Procedure

The theory and goals of parliamentary laws result in the underlying principles of parliamentary procedure. These 10 rules are common to all of the parliamentary procedure authorities.

1. **The organization is paramount compared with the individual.** The purpose of all parliamentary rules is to protect the organization. The process trumps the results. In parliamentary law, the end can never justify the means; in fact, the means are paramount.
2. **All members are equal.** There is a tendency of group dynamics that can lead to unfair treatment of certain participants. Parliamentary procedure, properly applied, assures equal treatment to all participants.
3. **A quorum must be present to conduct business legally.** This requirement prevents the agenda from being “hijacked” by a minority.
4. **Only one main proposal may be considered at a time.** Imagine the confusion if you debated or voted on more than one issue at a time. One main motion, with the appropriate

secondary motions to assist the deliberative process, assures a focus and an efficient process.

5. **Only one member may speak at a time.** That is, there can be only one issue under discussion at a time and one speaker at a time. It may seem like common sense, but we have all witnessed discussions where the group descends into the chaos of many persons speaking at the same time. It is the duty of the presiding officer to assure that all members have the right to be heard.
6. **Debate is allowed on all motions, unless forbidden.** All main motions (that is, motions of policy) allow for debate. Secondary motions authorized in the adopted parliamentary authority may not allow debate. The motion to "call the question," for example, is not debatable because debate would defeat its purpose, which is to cut off debate; it requires an immediate vote and a two-thirds majority to pass. Debate would defeat the purpose of the secondary motions to adjourn, recess, or lay on the table.
7. **Parliamentary law insists on dignity in debate.** Members' names may not be used and personal criticism is out of order. No matter how hotly contested an issue may be, we still have to live with our colleagues after the issue is resolved.
8. **A question, once decided, cannot come back for reconsideration during the same session.** Imagine the confusion, frustration, and time wasted if motions contradicting recently passed motions (during the same meeting or session) were allowed. A minority with two votes could tie up a meeting indefinitely.
9. **A majority vote decides, unless a greater percentage is called for.** In nongovernmental organizations, majority votes decide most decisions unless the bylaws or the parliamentary authority provides otherwise. Local governments, because they are subject to state laws, as well as their own charters and bylaws, are more restricted. General resolutions and ordinances usually require a majority vote, with two-thirds required for bonding.
10. **Most organizations name a parliamentary authority in their bylaws.** Many states require organizations to select a parliamentary authority. Local governments name a parliamentary authority in their bylaws or charters. Many local governments use *Robert's Rules of Order*. Roseville City Council recently adopted Rosenberg's Rules of Order.

It is incumbent on all members of a representative body to understand the basic rules of their parliamentary authority. It is especially important for the presiding officer to have a working knowledge of the parliamentary rules. This enables the presiding officer to lead the group toward productive meetings.

Local Rules

In Minnesota, a statutory city council has the power to regulate its own procedures. Home rule charter cities may have similar provisions in their charters. Councils often regulate their procedures through the formal adoption of bylaws. Councils are not required to adopt bylaws for meeting management, but they are highly recommended for the following reasons:

- Rules set common values and expectations for interactions among councilmembers.
- Rules can provide structure to a meeting, promoting timeliness and efficiency.
- Rules can help resolve conflicts in a positive way that promotes the best interests of the city, rather than allowing conflicts to grow, potentially disrupting city operations and slowing vital council decisions
- Procedural rules are usually provided for in the rules or bylaws adopted by the council. Adoption of council rules may be supplemented by the use of a standard work on parliamentary procedure, such as Robert's Rules of Order.

It has been recommended that whatever rules the council adopts, it should follow them. Although the council can vote to change or suspend its rules if the occasion calls for it, it is probably better to stick with the adopted rules except on rare occasions.

Suspension of Rules Issue

As noted earlier, one of the basic purposes of parliamentary rules and Council bylaws is to provide order and structure to meetings to ensure that the Council business gets done. Another important purpose is to protect minority members by allowing debate on all issues. While it has only been used locally to extend a meeting beyond the adjournment time set in the Council rules, upon the suspension of rules there is no longer the structure or protection. A simple majority can push through an action item without notice or debate. It appears that is why the suspension action requires the 2/3 vote – to make it more difficult to undertake that action. As noted, it should occur only on rare occasions.

The point was raised that the adoption of the rules is made upon only a simple majority vote, which could be used to change the rule requiring a 2/3 vote to suspend the rules if a 2/3 vote was unattainable. For that reason, it may be appropriate that the Council rules be adopted and amended only with a 2/3 vote as well.