The information provided here is for informational and educational purposes and current as of the date of publication. The information is not a substitute for legal advice and does not necessarily reflect the opinion or policy position of the Municipal Association of South Carolina. Consult your attorney for advice concerning specific situations.

### **CLERKS TO COUNCIL AND** SUCCESSFUL MEETINGS

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#### CREATING RULES OF **PROCEDURE**

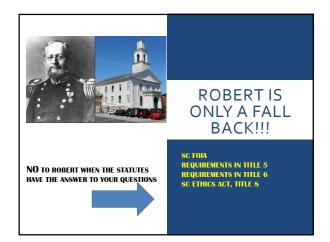


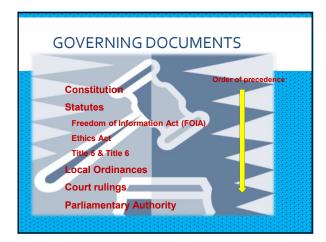
- Brig. Gen. Henry M. Robert
- · Born in Robertville, SC
- · U.S. Army 1857-1901 · Chief of Engineers
- Buried at Arlington National Cemetery
- Created Roberts Rule of Order to bring order to previously unorganized meetings!

#### PURPOSE OF RULES OF PROCEDURE, THAT YOU ADOPT

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 Council.





#### **MEETINGS** BY **ELECTRONIC METHODS**

- Must be provided by the lowest common means to the public – generally means telephone conference line.
- Can also provide additional video streaming methods such as Zoom, Facebook live, YouTube.

  Some services require the public to register and track information

  - Is it a recordable service?
  - If used for minutes preparation you must save the recording for a minimum of 2-years
- The statutes and all rules of procedure apply as if the meeting was in-person
- After the expiration of Emergency Orders it is necessary to have an ordinance providing for electronic meetings or these are not nerwitted. permitted.

## HARDWARE/SOFTWARE ISSUES Computer hardware and software should allow both council and public the ability to hear/see simultaneously Members of council should be able to interact with everyone equally Public attendees should be able to access information discussed during the session Governmental entity is not responsible for the quality of the public's internet/telephone connection Software should be of a quality to reduce chance of interference by third-parties (hacking, hijacking) PARLIAMENTARY BASICS NOTICE\* 2. QUORUM MOTIONS 3. 4. **DISCUSSION OR DEBATE VOTING\*** 5. MAJORITY RULE **EXCEPTIONS SUPPORT THE PRINCIPLES OF NOTICE, QUORUM & DEBATE** 7. RECORDS OF ACTIONS TAKEN\*

The City of Lake City is accepting applications for CITY CLERK

Job Duties: Circia Support to Mayor, City Council and Administrative staff, Attend and prepare for City Council and other related meetings. Cooffiction and maintenance of official City records.

Silis and Education requirements: Knowledge of Rutes and Regulations governing local municipal elections. Knowledge of pertitions tederal, state, and local laws, codes, rules, and regulations related to responsibilities of City Glerk.

Associate degree and for equivalent function and Associate degree and for equivalent functioning and control of the Council of

#### NOTICE: DEFINED IN FOIA

- · Annual notice of regularly scheduled meeting calendar
- Council must meet at least once a month
- 24 hour minimum notice of individual meetings to public &
- · Posting of notice and agenda:
- · the location of meeting,
- Media requesting notice and
- Municipal website (if regularly maintained) (Act 70 of 2015)



#### QUORUM: DEFINED IN FOIA



- · No official action can be taken without a quorum present
- · Acts are Null & void absent a quorum
- Majority of meetings require a simple majority of members 50%
- · Absent a quorum?
- · Adjourn
- · Recess and try to get a quorum
- Fix the time to adjourn

#### AGENDA & AMENDMENTS: DEFINED IN **FOIA**

- · Agendas are required at all public meetings
- Agenda usually prepared by mayor & manager
- Council has limited ability to add items to the agenda once posted!

  Before the meeting
  - items may be <u>added</u> so long as a new 24 hour notice is provided
  - If less than 24 hours delay the meeting or wait until meeting begins
- meeting or wait until meeting begins

  Once the Meeting has begun

  an item for which action can be taken may be <u>added</u> with a 2/3 vote.

  Final <u>action</u> item added must have 2/3 vote and a finding by the chair that an <u>emergency or exigent</u> circumstance exists.

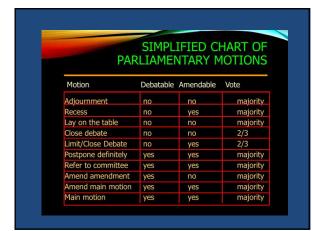
  September 2018 Berkeley County A.G. opinion emergency must be out of council's control or influence

# MOTIONS: FROM RONR OR YOUR ADOPTED RULES

- All motions should be worded in the affirmative rather than the negative
- Ex: "move to deny" rather than "move to not approve"
- · Substantive motions (main/principal)
- · Puts a question before the council
- · Only one main motion at a time
- · Subsidiary motions
- · Acts upon a substantive motion
- · Multiple subsidiary motions at the same time
- · Order of precedence
- · Incidental & Procedural motions

#### **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
- Don't use "friendly amendment" it is either done without objection or vote on it
- Multiple subsidiary motions to the same main motion Order of debate



## VOTING: SC CONSTITUTION REQUIRES VOTING TO BE PUBLIC

- Common method by voice/show of hands; or you may call the roll each time
- · Required for Passage
- · Majority: (simple-majority) 50% + 1—this means not a tie
- · 2/3 Majority: (super-majority) 2/3 present/voting
  - S.C. Code may require that 2/3 of the members present to support
  - Actions affecting rights of members: amending agenda; call the question; postpone to time certain
- · Tie votes considered to have failed, retains the status quo
- · Does the Chair vote?

# METHODS OF VOTING IN VIRTUAL MEETING: SC CONSTITUTION REQUIRES VOTING TO BE PUBLIC.



1. WITHOUT OBJECTION 2. USING AN ELECTRONIC PLATFORM

PLATFORM 3. ROLL CALL

4. RAISED HANDS, if visible simultaneously DON'TTRY VOICE VOTING

#### PUBLIC COMMENT PERIODS: NOTHING ON RONR ON THIS MATTER

- Public bodies are not required to allow public comment periods at legislative/business meetings or work sessions. Your council should adopt a rule to define this.
- Bodies may enact reasonable rules for public comments at any meeting
- Content Neutral Prohibits viewpoint discrimination
- · Can prohibit abusive language/actions
- Requirements for notice, and reasonable limits (time, # of speakers, order, etc.)
- May allow for removal for conduct so disruptive as to render the meeting unable to continue – a "last resort" action

#### PUBLIC HEARING: NOTHING IN **RONR ON THIS MATTER**

- SC Law requires council to hold a public hearing prior to final action on specific items.
- Bodies may enact reasonable rules for public comments at any
- Content Neutral Prohibits viewpoint discrimination
- · Can prohibit abusive language/actions
- Requirements for notice, and reasonable limits (time, # of speakers,
- meeting unable to continue a "last resort" action
- Can require comments to be germane to the subject of the public hearing.

#### **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
- Goal is for members to receive information
  - Members should refrain from personal comments or remarks to speakers

#### MISCELLANEOUS ISSUES

- Provisions for alternative attendance
   Not conducive for quasi-judicial hearings
   A.G. opinion: Town of Tega Cay
   Ability to hear and be heard
- Alternative meeting place or overflow for hot button issues.
- Abuse of proceedings
   Personal attacks by members or the public
- Removal of a member of the body from a meeting
   A.G. opinion MASC: discipline is a legislative action granted to the body
   Limited in time and scope (can't alter the term of office)

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#### **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

#### POSTPONING/REVIVING MATTERS: FROM RONR

- · 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
- 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

#### **REQUESTS AND INQUIRIES: FROM RONR**

- 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

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#### **EXECUTIVE SESSIONS: FROM FOIA**

MORE OF THE FOLLOWING, WHICH SHOULD BE STATED IN THE MOTION TO GO INTO

- an employee, a student, or a person regulated by a person to a public body, however, in an adversary hearing the names of the other employees or clients whose records are submitted for use at the hearing.

  2. <u>Discussion</u> of negotiations incident to proposed contractual arrangements and proposed sale or

- Investigative proceedings regarding allegations of criminal misconduct.
   Discussion of matters relating to the proposed location, expansion, or the provision of services

ging location or expansion of industries or other businesses in the area served by the public body.

## RECORDS: FROM FOIA

- The organization must maintain
  - Records of meetings MINUTES
  - Records of financial transactions AUDIT & BUDGET
  - Records of elections & appointments
- Permanent vs. time limited retention & microfilming for security
- Municipal Retention Schedule

https://scdah.sc.gov/sites/default/files/Documents/Records%2 0Management%20(RM)/Schedules/cotxt.pdf

#### MINUTES: FROM FOIA

- Section 30-4-90 requires that minutes be made for all meetings of any public body. The minimum content of
- · 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
- · 2-year retention of official recordings
- · The Act permits any person to record the meeting by

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