

FNSB Boards & Commission Training
FNSB General Code Provisions
Role of the Clerk
Role of the Chair
Basic Parliamentary Procedures

Presented by
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FNSBC Chapter 4.04

General Provisions

- * B&C are governed by this chapter, except Board of Equalization
- * Appointments
 - * Mayor appoints members to B&C
 - * Subject to confirmation by assembly
- * Qualifications
 - * Be a qualified voter of the Borough, if legally eligible
 - * Remain a resident of the Borough during term
 - * Other qualifications may apply by Code

FNSBC Chapter 4.04

General Provisions

- * Terms
 - * 3-year term
 - * January 1st and expire on December 31st of year their term expires
- * Compensation
 - * Without pay
 - * May be compensated for ordinary and necessary expenses incurred in performance of their duties, subject to appropriation.

FNSBC Chapter 4.04

General Provisions

- * Vacancies can be Created
 - * Member leaves the Borough with the intent of remaining absent more than 90 days
 - * Fails to attend 3 consecutive regularly scheduled meetings
 - * Fails to attend, without excuse, at least 80 percent of the regularly scheduled meetings within any calendar year
 - * Submits a resignation in writing which is accepted by the B&C
 - * Dies
 - * Fails to qualify within 30 days after their appointment

FNSBC Chapter 4.04

General Provisions

- * Notice of Impending Vacancy
 - * Mayor is to publish a notice of vacancies & qualifications at least 30 days before Dec 31st
- * Applications
 - * Provided by the Mayor
 - * Submitted to the Mayor
- * Nominations
 - * Mayor submits to Assembly
 - * No earlier than two months before term expires and no later than the date of last assembly meeting of year (annual nominations)

FNSBC Chapter 4.04

General Provisions

- * Officers

- * Annually elect a chairperson and vice chairperson
- * Vice Chairperson acts in the absence of the chairperson or if chairperson is conflicted out

- * Meetings

- * Hold regularly scheduled meetings
- * Special meetings may be called by:
 - * Chairperson, the designated Ex-officio member pursuant to FNSBC 4.04.170 or majority of the B&C

FNSBC Chapter 4.04

General Provisions

* Quorum

“ A majority of the authorized members of a board or commission shall be a quorum for the transaction of business”

“In absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date”

FNSBC 4.04.120

FNSBC Chapter 4.04

General Provisions

- * Conflict of Interest

“Every member shall vote on all questions unless they have a direct or substantial indirect financial interest in the matter being discussed,” as ruled on by the chair.

“No member shall represent any person before the board or commission of which they are a member. ”

FNSBC 4.04.140

FNSBC Chapter 4.04

General Provisions

- * Procedures

- * A board or commission must follow the procedural rules set forth in FNSB Code
- * A board or commission may adopt other rules, but those rules may not conflict with FNSB Code
- * In all matters not covered by FNSB Code or rules adopted by a board or commission, Robert's Rules of Order shall govern FNSBC 4.04.150(A)

FNSBC Chapter 4.04

General Provisions

- * Teleconferencing is allowed under certain circumstances

Note: Meetings are currently being conducted in accordance with Memorandum from the Mayor and approved by the Assembly on May 6, 2021, Modifications and/or Waivers of FNSBC Code Provisions and Rules Governing Boards and Commission Meetings during the COVID-19 Pandemic

In-person and by Zoom or by Zoom Only

FNSBC Chapter 4.04

General Provisions

- * Ex Officio members and staff
 - * Mayor may appoint an employee of the Borough to furnish technical advice and information
 - * Ex Officio members are not entitled to vote or considering for establishing a quorum
 - * Borough Clerk or designee serves as the B&C secretary
- * Termination of B&C
 - * All B&C under Title 4, except those required by state law, terminate by operation of law 6 years from date of creation or reestablishment

The Role of the Borough Clerk or designee

Responsible for meeting management of B&C

- * Coordinate with the Administration, department staff and the B&C Chair to set agendas
- * Process appeals of administrative decisions or decisions of a B&C
- * Offer parliamentary guidance during meetings
- * Keep accurate record of proceedings (minutes)
- * Facilitate citizen engagement
- * Ensure access to public meetings and meeting information (properly noticed meetings)

The Role of the Borough Clerk or designee

- * Ensure compliance with Open Meetings Act
- * Maintain B&C webpages
- * Maintain B&C records
- * Notify appointed and reappointed members of their appointment
- * Schedule orientation for new members and provide information on their duties and responsibilities
- * Provide board members and commissioners with borough email address and FNSB email policy

The Role of the Borough Clerk or designee

- * Maintain the Oath of Office of B&C that conduct quasi-judicial hearings
- * Maintain APOC records for the Planning Commission, as required by State law
- * Meeting preparation to include providing meeting script to the Chair and chambers set up
- * Provide agenda/agenda packets to board members and commissioners prior to the meeting

The Role of the Borough Clerk or designee

- * In the absence of Chair/Vice-Chair call the meeting to order and preside until a Chair pro tem is elected
- * Prepare Action Memorandums for the Mayor
- * Prepare Recommendation Letters of B&C to the Mayor and/or Assembly
- * Notify applicants of Boards or commissions decisions on quasi-judicial hearings

The Role of the Chair

- * Attends agenda setting
- * Calls the meeting to order at the appointed time
- * Determines a quorum is present
- * Conducts the proceedings in conformity with FNSB Code
- * Determines conflict of interest based on whether a member's financial interest is substantial or the personal involvement is prejudicial in a matter coming before the body FNSBC 6.28.010(D)

The Role of the Chair

- * Announces in proper sequence the next activity before the board or commission in accordance with the agenda
- * Determines who has the right to speak
- * Impartially permits “pro” and “con” equal time
- * Explains/clarifies issues without bias

The Role of the Chair

- * Maintains decorum and order during debate
- * Keeps discussion germane and discourages repetition
- * Refrains from debate unless passing the gavel
- * States the motion clearly, takes the vote accurately, and announces the vote so all can hear
- * Adjourns the meeting

What is Parliamentary Procedure?

- * Organized system that helps a group of people make decisions
- * Basic principles and rules that determine how the group will proceed through the decision-making process
- * Helps the group stay focused on a single issue
- * Not about helping any one individual get their way, and it's certainly not intended to prevent members from participating in the group!

General Meeting Procedures

- * All remarks must be addressed through the chair
- * Until a motion has been stated by the chair, no proposal may be debated
- * Members address the chair and wait to be recognized
- * Members must accept the will of the majority

General Meeting Procedures

- * Each member has the right to participate and to share equally in the discussion
- * No member may monopolize the discussion
- * The member who made the motion has the right to speak first
- * No members may speak a second time, until all members who wish to do so have spoken once

General Meeting Procedures

- * Members may not interrupt, except to raise legitimate points of order
- * Motives or personalities may not be attacked during debate
- * All remarks must be relevant to the subject (germane)

Processing a Motion

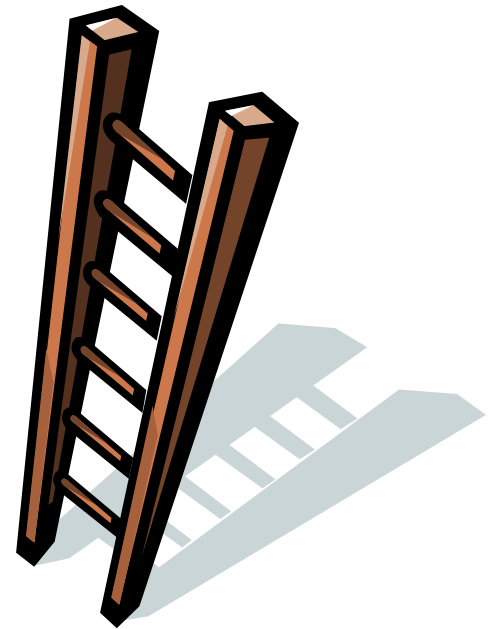
- Step 1. A member makes a motion
- Step 2. Another member seconds the motion
- Step 3. The Chair states the motion, thereby formally placing it before the board/commission
- Step 4. The members debate/amend the motion
- Step 5. The Chair restates the motion and calls for a vote
- Step 6. The Chair announces the results of the vote

Kinds of Motions

- * There are two kinds of motions – main motions and secondary motions
- * **Main Motions** bring business before the board or commission
- * **Secondary Motions** are any motions that are made while a main motion is pending

Precedence of Motions

- ORDER
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MOTIONS
1. Fix time to which to adjourn
 2. Adjourn
 3. Recess
 4. Raise a question of privilege
 5. Call for orders of the day
 6. Lay on the table
 7. Previous question
 8. Limit/extend limits of debate
 9. Postpone to a time certain
 - ~~10. Commit or refer~~
 11. Secondary Amendment
 12. Primary Amendment
 - ~~13. Postpone indefinitely~~
 14. Main motion



Main Motion

Object: Bring business before the board

Form: "I move that" or "I move to"

- * Requires a second
- * Is debatable
- * Can be amended
- * Majority vote needed
- * Can be reconsidered

Motions to Oppose or Deny

Use positive words to express a negative thought. It can be confusing to vote yes on a negative statement

Avoid statements “we not support” or “not in favor”

Use statements “oppose” or “defeat” or “deny”

Example:

➤ I move we recommend defeat of Ordinance No...

Amendments

Object: To modify, change, improve, or perfect a motion.

Form: I move to amend . . . by . . .

- * Striking out words
- * Inserting words
- * Adding words
- * Striking out and inserting (OR)
Substituting a complete main motion, resolution, paragraph
- * Requires a second
- * Is debatable
- * Can be amended (one time only)
- * Majority vote needed
- * Can be reconsidered

Example of Main Motion (MM) with Primary Amendment (PA)

MM: I move that we purchase a computer

PA: I move to amend by adding “not to exceed \$2,000”

If Primary Amendment passes, the amended main motion will now read:

I move that we purchase a computer not to exceed \$2,000.

Example of Main Motion (MM) with Secondary Amendment (SA)

MM: I move that we purchase a computer.

PA: I move to amend by adding "not to exceed \$2,000"

SA: I move to amend the amendment by striking "\$2,000" and inserting "\$4,000"

- * If Secondary Amendment passes, the Primary Amendment now reads: I move to amend by adding "not to exceed \$4,000"
- * If both amendments pass, the amended Main Motion now reads: I move that we purchase a computer not to exceed \$4,000

Withdraw or Modify a Motion

- * A motion may be withdrawn or modified by the maker prior to the Chair stating the motion.
- * Once the chair states the motion it is the property of the board. The maker must ask permission to withdraw.
- * The chair asks if there is any objection to withdrawing the motion. If none the motion is withdrawn.
- * If objection, roll call is required.

Postpone To a Time Certain

Object: To defer action to a definite hour, day, meeting, or until a certain event

Form: I move to postpone further consideration of this question until . . .

- * Requires a second
- * Debate limited to merits of postponing action
- * Can be amended as to the day/time etc.
- * Majority vote needed
- * Can be reconsidered

Limit or Extend Limits of Debate

Object: Reduces the number or length of speeches permitted, without including specific provision for closing debate or closing date at a certain time.

Form: I move that debate on the pending question will close at x time.

- * Requires a second
- * Not debatable
- * May be amended
- * 2/3 vote required
- * Limited reconsideration

Previous Question

Object: To stop debate and take a vote

Form: I move the previous question

- * Requires a second
- * Not debatable
- * Cannot be amended
- * 2/3 vote required
- * Limited reconsideration

Lay on the Table

Object: To lay a question aside temporarily in order to take care of a more urgent matter

Form: I move to lay the question on the table

- * Requires a second
- * Not debatable
- * Cannot be amended
- * Majority vote required
- * Often confused with Postpone Indefinitely

Take from the Table

- * Requires a second
- * Is not debatable
- * Cannot be amended
- * Requires a majority vote
- * Cannot be reconsidered

Fix the Time to Which to Adjourn

Objective:

- * Set the time for another meeting to continue business of the session (agenda)
- * If passed it does not adjourn the meeting or set the time for its adjournment

Fix the Time to Which to Adjourn

- * Motion: I move to adjourn to meet at 5:30 p.m. on June 12, 2019, at 907 Terminal Street
- * Requires a second
- * Debatable (if moved while no question is pending)
- * Amendable
- * Requires majority vote

Point of Order

- * Rules are not being followed
- * Something inappropriate happens:
 - * Members are not following the rules
 - * Public or parties are not following the rules
- * Does not need a second
- * May interrupt the speaker
- * Is *not* debatable
- * Is *not* amendable
- * Point of Order is Ruled on by the Chair

Appeal The Chair's Decision

- * Motion is in order at the time of Chair's Decision
- * Requires a Second
- * Majority or tie vote sustains the decision of the chair
- * The question before the board:

“Shall the decision of the chair be sustained?”

Vote Count of 3 yeases, 2 noes – Decision stands

Vote Count of 2 yeases, 3 noes – Decision overruled

Note: Chair votes on the motion

Appeal The Chair's Decision

- * Debatable:
 - * In general, it is debatable
 - * Not debatable when the appeal relates to indecorum or transgression of rules of speaking or to the priority of business, or if made when an undebatable question is immediately pending or involved in the appeal

Appeal The Chair's Decision

- * Rules and order of debate
 1. The chair can explain their decision
 2. Members may speak; each member is limited to one chance to speak on the motion
 3. Then the chair is again allowed to explain and does not need to vacate the chair when speaking

Division of Question

- * Used when a motion relating to a single subject contains several parts and each part can stand as a complete motion on its own
- * Each part can be separated to be voted on as if they were different motions
- * Motion must include how the question is to be divided

Division of Question

- * Needs a second
- * Is not debatable
- * Amendable as to how the motion is divided
- * Needs a majority vote
- * If the question is divided, each section is treated as a separate motion that has already been made
- * You discuss one, vote on it, then proceed into discussion on the next and vote on it

Reconsider

- * This motion if passed allows the board or commission to consider a motion that has already been voted on
- * Limitations
 - * Only a member who voted with the prevailing side can make this motion
 - * This motion can be made only on the same day as the vote being reconsidered

Reconsider

- * Effect
 - * Suspends action regarding the motion being reconsidered
 - * Passing of the motion:
Places the motion back before the body exactly as it was prior to the vote

Rescind, Amend Something Previously Adopted

- * These motions are governed by practically identical rules that allow the board to change an action previously taken
- * These motions can be applied to any motion previously adopted if none of the action involved has been carried out in a way that is too late to undo

Rescind, Amend Something Previously Adopted

- * Vote needed:
 - * Majority with notice
 - * 2/3 without notice
 - * Majority of entire membership

Questions

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