



City of Pacific Grove Board and Commission Meeting Guidelines and Procedures

The best board meetings are an appropriate mixture of formality and informality, process and substance. Too much structure can prevent effective decision-making; too little structure enables those who do not agree with the majority to stifle progress. In order to strike the right balance, Pacific Grove boards and commissions use simplified rules of parliamentary procedures for conducting their meetings.



Parliamentary procedures are the body of commonly accepted rules and customs governing meetings and other operations of deliberative assemblies. Such groups follow parliamentary procedure to elicit a broad range of perspectives, deliberate collaboratively, and reach the best possible group decisions, while simultaneously continuing to develop the group's capabilities.

Fundamentally, parliamentary procedures assist groups effectively meet and make decisions in a fair and consistent manner—and make good use of everyone's time. The procedures provide a mechanism whereby: 1) only one subject may rightfully claim group attention at one time; 2) every proposal properly presented for consideration is due a free and full deliberation; and 3) the will of the majority is determined in orderly procedure, while preserving the rights of the minority. The guidelines provided in the next few pages have been developed and tested over time. They work best when they become second nature.

Many new members might initially assume that a City board or commission must operate under *Robert's Rules of Order*¹. The City Code requires the City Council to adhere to Robert's Rules (PGMC §2.04.010) but is silent as to boards and commissions. As a result, we use a simpler set of procedures, featuring group-friendly norms. These norms allow the use of well-accepted meeting facilitation tools that enable all members of the board or commission to engage in a more productive dialogue to address constituency problems and opportunities. Boards and commissions benefit from a shared sense of inquiry, trust, empathy, and collaboration, which are often inhibited by the use of rigid rules.

Parliamentary procedures should assist a board in being successful, and never get in the way of success. To the extent that meeting facilitation techniques (detailed in several documents, see the list of sources, at the end) can augment or supplant rules, the board benefits. More formal use of these guidelines is appropriate for items with greater importance, having greater legal strictures, or subject to greater conflict.

Boards and commissions (hereinafter referred to as "boards"), and their committees, shall adhere to these guidelines and procedures for notice, conduct of meetings, reporting to the Council, and other matters, to the end that all deliberations are conducted and actions taken openly, that the public is well informed in a timely manner, and that the work is performed for the entire community's benefit.

The failure of a board or its committees to conform to these guidelines shall not in any instance invalidate the action taken.

I. Quorum

A quorum shall consist of a majority of the board's voting member positions. On a 5-member board, the quorum is 3; on a 7-member board, the quorum is 4. There is no meeting when a quorum is not present. Either an ex-officio member or a vacancy reduces the number of voting member positions.

II. Order of Business

The order of items shall be based on the complexity and importance of the items. Generally, the order of business shall be as follows:

1. **Call to Order.** The presiding officer shall take the chair at the hour appointed for the meeting and call the meeting to order. Members present and absent shall be recorded; the Secretary shall announce if a quorum has not been achieved.

2. **Approval of Agenda.** Items to be continued, withdrawn, or reordered.

3. Public Comment

a. **Written communications.** Receive written correspondence related to a matter within the board's purview not but on that meeting's agenda. Such communications have been included or listed in the agenda packet or, if received after the distribution of the packet, placed at the members' positions. Note: correspondence from members of the public relative to an item on that meeting's agenda are noted during the board's consideration of that item.

b. **Oral communications.** Receive oral input from members of the public on any item within the board's purview but not on that meeting's agenda. Comments are generally limited to three minutes and will not receive board action. Note: comments from members of the public relative to an item on that meeting's agenda are normally taken during the board's consideration of that item. However, the chair may accept public comment at the beginning of the meeting on items on the agenda, in the case of schedule conflicts, site visits, or other appropriate reasons.

4. Member and Staff Announcements

a. **Attendance at meetings with relevance to the board.** Information gleaned that may be helpful to other members should be shared. In addition, CA Gov't Code §53232.3(d) provides that, "Members of a legislative body [*which, based on the State's definition, includes all City advisory boards*] shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body."

b. **Ex Parte Meetings and Communications.** It is the responsibility of each member of a decision-making or advisory body to be as well informed as is feasible on matters that are to be addressed by the body. If a member of a decision-making or advisory body is contacted by a member of the public on such a matter, and provided information that is germane in developing his or her position on an issue, that information is also of value to other members of the body and should be shared.

If the issue is quasi-judicial (“adjudicative”), members should seek to avoid receiving any such information outside of the meeting. Quasi-judicial matters are applications and hearings that determine rights or obligations of named individuals or of specific property, such as requests for variances, appeals, and similar matters. These matters require a decision based upon notice and a hearing record. If a member does receive a communication on a pending quasi-judicial matter, the member shall announce such *ex parte* communication at the beginning of the body’s consideration of the item and shall share the information received with the other members. Copies of the communications, including but not limited to electronically transmitted communications such as email, email attachments, and facsimile transmissions, shall be included in the public record.

b. Consent Agenda

- a. **Approval of Minutes of Prior Meetings.** As a general rule, the minutes of one meeting should be available for approval at the start of the next meeting. This helps every member be fully up to speed on the board’s actions, whether they attended the prior meeting or not. It also helps get people’s minds in gear.
- b. **Other routine and non-controversial items,** including receiving the minutes of other bodies.

Any member of the board or public has the right to pull an item from the Consent Agenda. If an item pulled from the Consent Agenda can be handled quickly, it can be addressed immediately following approval of the remaining Consent Agenda items. If the item now appears to be controversial or otherwise time consuming, then it often best addressed later in the meeting, in its correct spot on the Regular Agenda.

c. Regular Agenda

- a. Public Hearings
- b. Continuing and Unfinished Business
- c. New Business
- d. Reports from Subcommittees

- d. **Adjournment.** The Secretary shall announce the date and time of the next meeting. It is helpful if any member who will be unable to attend announces that now.

Depending on the board, meetings should be scheduled to last either two or three hours. As a convenience to members and the public, meetings shall generally be kept within the scheduled time limits.

The board will not normally consider any new items after a set time, to be determined by the board. Affirmative vote on a motion to extend the meeting is required. Any items remaining on the agenda shall be continued to either the next regular meeting or a special meeting, at the discretion of the board.

III. Addition of an Item to the Published Agenda

Items not included on the posted agenda may be considered only if they fall within any of the below exceptions:

- In advance of the meeting—by creating an amended agenda, circulating the agenda and item to the board members, and posting all materials on the City’s website at least 72 hours prior to the meeting.
- At the meeting—there are two possibilities. First, when a majority of the members decides an emergency exists; an emergency includes a work stoppage, crippling disaster, or any other activity that impairs public health and safety. Second, when two-thirds of the members present and voting (or, if less than two-thirds of the members are present, a unanimous vote of those members present) decide that there is a need for immediate action that cannot reasonably wait until the next regularly scheduled meeting and the matter came to attention only after the agenda had been posted².

If an item does not fall within one of these exceptions it may not be discussed and acted upon, but may be added to a subsequent agenda.

IV. The Process for Consideration and Action on an Agenda Item

The agenda constitutes the body's agreed-upon road map for the meeting. Most regular agenda items can be handled by the board and chair in the following 4-phase process. Reasonable variations are acceptable; on simple items, several steps are often combined.

A. Presenting Item

1. **Opening Item.** The chair should clearly announce the agenda item number and should state what the subject is. The chair should then announce any special procedures to be followed (e.g., if the item is a public hearing.) This is also when any member would announce his or her recusal, if a conflict of interest exists, and leave the room.

2. **Hearing the Report.** Following that announced procedure, the chair should invite the appropriate people to report on the item, including any recommendations they might have. The appropriate person may be a member of the governing body, staff, or the chair of a committee that was charged with examining the matter in depth prior to its consideration by the board. Verbal presentations should be short, so as to not repeat the basic information that should have been included in the agenda packet. (By including all key information in the packet, members of the commission and the public can be informed about the item before the meeting, and have already requested any additional information they desire.) The prepared information should include the purpose of the item, all needed background information, options considered, the results of any analysis, and the recommended action, if any. Some chairs provide an opportunity here for board members to ask any clarifying questions of the person providing the report. Others do not, as this has a tendency to segue into position statements before public input is taken, which is inconsistent with open meeting principles.

B. Taking Public Input. The chair then opens the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the total amount of time available for public comment in order to ensure all items set for consideration may be heard at that meeting. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed). A challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The chair should not allow any person to go over the limit, stray from the topic, or become

disrespectful or abusive.

C. Considering the Item—the chair then brings the matter to the board for a collaborative, less formal deliberation.

1. **Developing a Common Knowledge Base and Understanding.** The chair should ask members of the body if they have any questions of the person(s) making the report or others with knowledge relevant to the issue. Questions should go through the chair.
2. **Identifying Options.** The chair should invite members to identify all alternative solutions to the questions and issues at hand. It is important to get all options on the table early in the deliberations, so they can be addressed simultaneously, not sequentially.
3. **Deliberating.** Once the options have been identified, unless the path forward is clear to all, the chair should ensure that the board undertakes deliberations that analyze all the options in full. As we do not follow Roberts' Rules, but instead more collaborative norms, the chair has great flexibility in how this is to be conducted. Initial discussion should focus on identifying all relevant facts, ensuring the full range of alternatives has been identified, and inquiry, not advocacy. An analysis of the advantages and disadvantages of all identified alternatives should be undertaken. This can often be facilitated by the creation of a visual record, such as a separate flip chart for each alternative, with separate space for the pros and cons. Time committed to this step should be adequate to allow the sense of the commission to emerge.

D. Deciding—the matter stays at the board, but more formality is introduced.

1. **Motion and Second.** The chair should then invite a motion from the members. When a motion is made, the chair should ask for or accept a second. If there is no member willing to second, the motion would stand little chance of passage. If no other motion is offered, the board is probably not ready to make a decision. Thus, the chair should ask the members what additional information needs to be presented, or what other steps need to be undertaken, for them to be ready.
2. **Discussing the Motion's Merits.** Once a motion is made and seconded, and the chair believes all members understand the motion, the chair should allow any additional desired discussion. This allows those supporting the motion, and those who may be opposed, to give their reasons. Now is the time for opinion and persuasion; advocacy not inquiry.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal or emotional.

3. **Voting.** If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, the Chair should ask the secretary or staff to repeat the motion.
4. **Announcing Action Taken.** Upon the completion of the vote, the Chair shall announce the result of the vote and what action (if any) the body has taken. In announcing the

result, the chair shall indicate the names of the members, if any, who voted in the minority on the motion. (Note: effective January 1, 2014, state law now requires an oral announcement of all voting positions.) This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. The board has approved the proposed work plan for the year, with two adjustments.”

Public Hearings. For public hearings, there are a few additional guidelines. After receiving the staff report, the Chair opens the public hearing and accepts testimony in the following order:

1. Statement of the applicant and/or his/her agents.
2. Public input on the matter.

The Chair shall then close the public hearing.

The public input portion of the public hearing may be reopened before voting on the item if a new issue is raised. It is not necessary to re-open a public hearing to ask questions of the project applicant. If the public hearing is reopened, all interested parties may be heard, but the chair can limit the input to the new issues and can further limit the time per comment.

Rules of Testimony. No person or member shall address the board without first securing the permission of the Chair to do so. All comments shall be addressed to the board as a whole. All questions shall be placed through the Chair.

Speakers are not required to give their name or address, but it is helpful (though not required) for speakers to state their name in order that the secretary may identify them in the minutes of the meeting.

If there are numerous members of the public who wish to participate on the issue, and it is known that all represent the same opinion, a spokesperson should be encouraged to speak for the entire group. The spokesperson will then have the opportunity of speaking for ten minutes and of presenting a complete case.

To avoid unnecessary cumulative evidence, the Chair may limit the time of testimony to not more than three minutes on a particular issue by each individual. However, an applicant and designated opponent are generally allowed ten minutes of comment and an opportunity to rebut at the end of public comment.

V. Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. In the absence of informal facilitation of dialogue, it is best for only one person at a time to have the floor, and it is best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal or too emotional.

Getting the floor. Every member desiring to speak shall address the chair and, only upon recognition by the chair, confine contributions to the matter at hand, avoiding all indecorous language and personal attacks.

In general, a member may not interrupt the speaker except for the following reasons:

- **Privilege.** The proper interruption would be: “Point of privilege.” The chair would then ask the interrupter to, “State your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.
- **Order.** The proper interruption would be: “Point of order.” Again, the chair would ask the interrupter to, “State your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.
- **Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and, after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.
- **Call for orders of the day.** This is simply another way of saying, “Let's return to the agenda.” If a member believes that the body has drifted from the agreed upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.
- **Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn; and any other member may make the motion, once recognized.

VI. Motions

Motions are the vehicles for decision making. As indicated above, a motion should be introduced on a matter after general information is shared and options have been identified, but before members share their opinions and seek to persuade.

The chair shall ensure that all motions are clearly stated and commonly understood before allowing deliberations to begin.

The types of motions, and the hierarchy of motions, are described in an accompanying document, *Motions*.

VII. Voting

Voting Requirements. The City Code requires the affirmative vote of a majority of the total members of a board or commission (excluding any non-voting members), on any item, for any

action by a board³, unless otherwise provided. In addition, proxy votes for absent members are not allowed.

Disqualification from Voting; Recusal. A board member shall disqualify him/herself from deliberation and voting on any matter before the board, prior to the board's consideration of the matter, when there is a conflict of interest requiring disqualification as a matter of law. A member may also disqualify him or herself due to personal bias or the appearance of impropriety.

Upon the chair's announcement of an item, the member shall state that he/she is disqualifying him/herself due to a conflict of interest, state the nature of the conflict (e.g., financial), and leave the voting area until the completion of that item. Best practice is to leave the room, since facial expressions and other gestures might otherwise be viewed as an attempt to influence the remaining board members. (Given that the Council chambers sound system allows people in the hallway and outdoors, members of Boards meeting there can still listen to the proceedings even upon leaving

Should the number of members recusing themselves as a result of a conflict of interest disrupt the quorum, the "rule of necessity" allows the random selection of the fewest number of conflicted members to vote as is needed to enable a quorum to participate and reach a decision.⁴

If a member is in doubt as to whether or not a conflict of interest exists, s/he should consult with the City Attorney prior to the meeting.

Abstentions. Abstentions are discouraged; full participation and voting by all members is necessary to represent the diverse interests in the community and contributes to better decisions. A member should abstain from voting only because of lack of participation in an evidentiary proceeding before the board if the member had not had opportunity to review the record on the matter; such member will be recorded as absent for that item.

A member present for consideration of a motion who opposes the motion must vote against it. In the event of an abstention the abstainer in effect, "consents" that a majority of the quorum of the members present may act for him or her. Thus, a member who abstains (for any reason other than lack of opportunity to review the record) is deemed to acquiesce in the action taken by the majority of members who voted.⁵ As an example, on a 5-member board, if the vote is 2 in favor, 1 against, with 1 absence and 1 abstention, the motion is approved, since a quorum was present and a majority of the total membership is judged to have voted in favor.

Voting Methods. When a motion is not likely to be opposed, the chair says, "If there is no objection, ...". The members show their agreement, called "general consent," by their silence. If a member says, "I object," the item is put to a vote. Most votes shall be by voice vote. The chair asks those in favor to say, "Aye," and those opposed to say "No." If the outcome is unclear by voice, a hand vote may be taken. Any member may move for an exact count. In some cases, a roll call vote is required, with each member answering "yes" or "no" as his or her name is called. The order of voting for roll call votes shall be random. Secret ballots are allowed, but not required, only for elections of officers.

Tie votes. Tie votes may be reconsidered during the time permitted by these guidelines on motion by any member of the board voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the board may make a motion to continue the

matter to another date. Any continuance for this purpose suspends the running of any time in which action of the board is required by law. In addition, any member may agendaize a matter that resulted in a tie vote for a subsequent meeting.

Recording of Votes. The minutes of the board’s proceedings shall show the vote of each member, including whether they were absent or failed to vote on a matter considered. This is normally done as shown in the following example: “The motion passed 5-2, Brown and Smith voting no.”

Members may change their votes before the next item on the agenda is called. A short recess called immediately after a controversial vote can sometimes help give members time required for reflection and needed second thoughts.

Silence constitutes an affirmative vote. Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual members have stated in advance that they will not be voting.

VIII. Majority and Super-Majority Votes

Unless a super-majority is required (addressed in the accompanying document, *Motions*), a simple majority determines whether each motion passes or is defeated. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

IX. Deciding to Move on

Items may be continued by a board to a continuation (or subsequent) meeting for the following types of reasons:

- The board requires additional information during the meeting.
- New information or issues come to light during the meeting that need further study.
- Other reasons deemed appropriate and substantial by the board.

In addition, a board that has been delegated authority to act on submitted applications (e.g., ARB, NRC, TSC, and Planning Commission) may continue an item when:

- The applicant cannot appear at the meeting and has requested that the item be continued.
- The application is revised by the applicant during the meeting.
- The board requests that the application be revised.

X. When Action Is Necessary

Once there is a defeated motion, the chair needs to decide how to proceed, based on the type of issue being addressed, and the reason the motion was defeated. The chair can, for example, facilitate additional fact-finding, analysis of the issue, or dialogue that can lead to a motion able to garner a majority. Before positions become hardened, it is frequently helpful to step back and explore shared interests. Such efforts should be continued until action is achieved or it becomes clear that the body is not likely to become “unstuck.” In most circumstances, the chair should then move the group on to the next agenda item.

In certain circumstances—a permit application, for example—the lack of any action is not acceptable (e.g., an application must ultimately be approved or denied). There are four primary options here:

- ❖ *Continuing the item.* This is often undertaken if one or more members of the body are absent or if new information can be developed. Continuance can also provide the applicant time to consider his/her options, develop a project more likely to receive approval, etc. Continuance is normally undertaken only with the concurrence of the applicant, and generally requires a super majority.
- ❖ *Technically denying the application.* This option is based on the philosophy that, for a project that has been proposed, approval requires a majority of members to vote in favor. Anything less than the required majority is thus considered a denial. One option under “technical denial” is to allow any applicant or other party to appeal the matter (assuming an appeal would otherwise have been available) on the grounds that the matter was “deemed denied.” This option avoids the need for the body to take further action (e.g., if the body is unable to achieve a majority vote to forward the matter to the next higher body).
- ❖ *Denying the application without prejudice.* This option may, in some situations, require at least one member of the body to switch his or her vote, in order to vote to deny for procedural reasons only. Such reasons should be stated in the motion, so the record is clear. It allows the applicant to either: 1) appeal to the next higher body; or 2) resubmit the same project or a modified project reflecting board or City input, without paying fees, waiting a minimum number of months, etc. (such a delay could be for any number of possible reasons, including awaiting turnover on the board). This option is in addition to the provisions exclusively for the Planning Commission detailed in PGMC Section 23.70.080.
- ❖ *Forwarding the matter to the next higher body for a de novo hearing.* This is similar to an appeal, but since it is an action of the body (and therefore takes a majority vote) requires no fees or other action by the applicant. [Note: this option is generally not available for land use issues. Before any board takes such action, staff supporting the board should check with the City Attorney.]

XI. Discipline

Each group has the authority to enforce its own rules. The chair should respectfully point out any fault or violation of these rules and request the member to avoid such action. If the member refuses to conform, the chair shall call the member to order by stating, “The member is out of order,” direct the member to conform, and indicate what remedy will be taken if the member refuses to conform. If the member still refuses to conform, the chair should clearly state the breach involved and put the question to the group: “Shall the member be allowed to continue _____.” This question is not debatable and is followed immediately by a call for votes. In extreme cases, the body may then ask the member to leave or the chair may call either a recess or an adjournment. In such cases, the chair shall direct the secretary to describe in the minutes the objectionable actions by the member in sufficient detail so that members not present will fully understand the reasons for the body’s actions.

If it is the chair who is violating the rules, then any member may call a, “Point of order.” After the member describes the concern, the chair shall either agree and make the appropriate adjustment, or

shall put the question to the group, as above.

XII. Special Notes about Public Input

The guidelines outlined here help make meetings very public-friendly. But in addition, and particularly for the Chair, it is often wise to apply three general guidelines that apply to each agenda item:

1. Tell the public what the body will be doing.
2. Keep the public informed while the body is doing it.
3. When the body has acted, tell the public what the body did.

Public participation in public meetings is an important element of our community's decision-making process. One challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

In summary, the guidelines presented here for conducting a meeting are offered as tools for effective meetings and as a means of developing sound public policy. When these guidelines are silent, the chair shall decide all questions of order, subject to appeal by a member. When in doubt, the chair may submit the question to the board, in which case a majority vote shall prevail.

Notes

¹ Robert III, Henry M. et al., *Robert's Rules of Order*, 10th Edition, Cambridge, MA: DaCapo Press, 2009, Introduction and Chapter 1.

² California Government Code §54954.2(b)

³ PGM C §3.02.070 and §3.04.080

⁴ Pursuant to the Political Reform Act.

⁵ This protocol is based on several California Appellate Court decisions, an opinion of the Attorney General, and common law.

Sources

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