

# Rules of Decorum and Procedural Rules

WCA Educational Webinar Series



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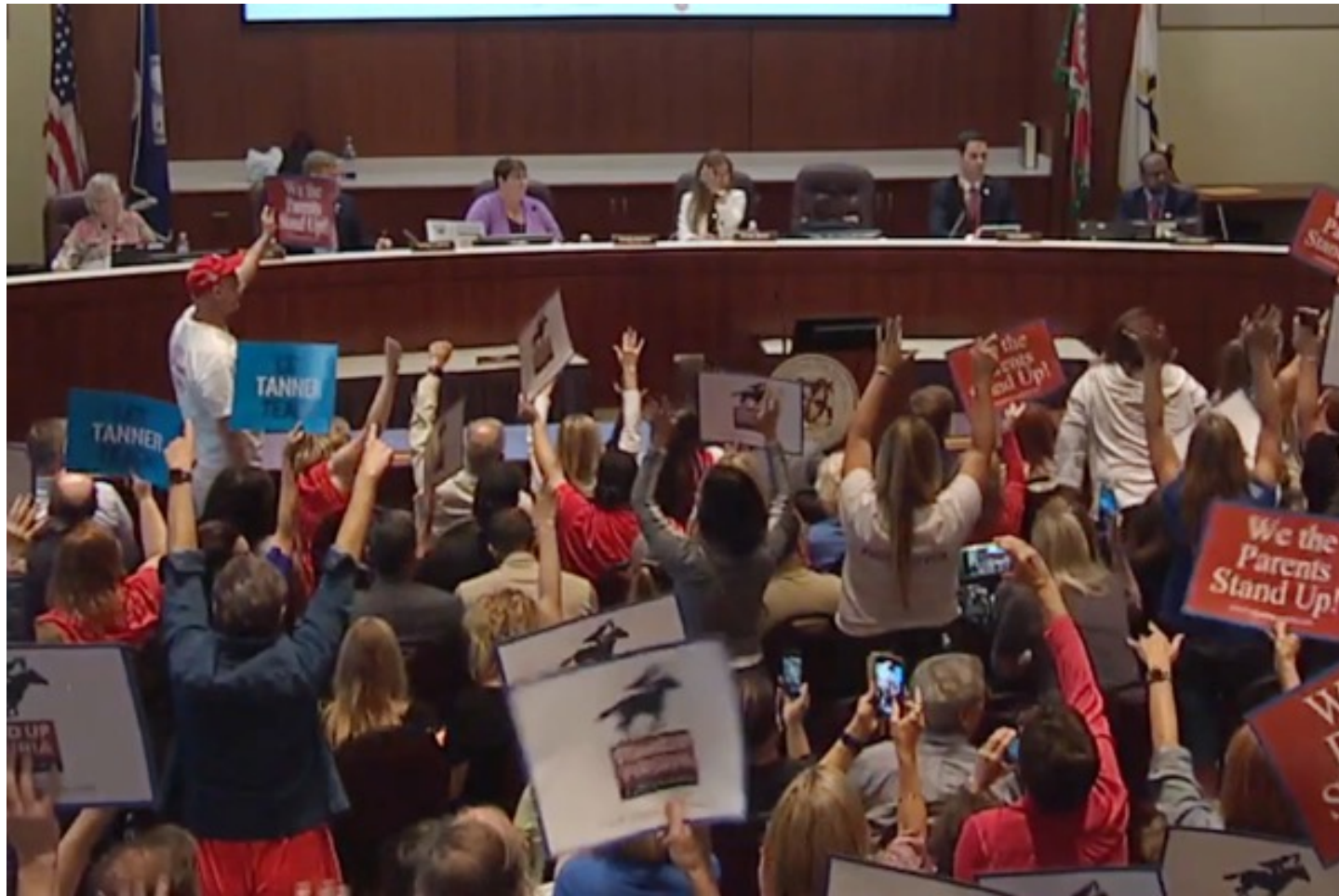
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# What Do We Want To Accomplish Today?

- Understand how RONR addresses decorum
- Addressing the public comment period
- Realize how Board Rules can help set expectations for an “effective meeting”
- Special considerations/issues





# Rules of Decorum (Debate)

Concepts from RONR



## Debate on the Question

- Members remarks must be germane to the question before the assembly
- Speakers must address their remarks to the chair, maintain a courteous tone, avoid injecting a personal tone into the debate
- Member has a right to speak twice in the same question
- Can speak no longer than 10 minutes in total



## Address the Chair

- Address all remarks through the chair – not the body, gallery or TV cameras
- Members cannot address one another directly
- Direct questions to other supervisors through the chair



## Avoid Use of Member's Names

- Presiding officer should not be referred to by name
- Presiding officer speaks of himself/herself in the third person
- Avoid mentioning another's name when the person can be described in another way



## Duties of the Chair

- All persons at a meeting have an obligation to obey the presiding officer
- Members using parliamentary procedure for obstructive purposes should not be recognized or ruled out of order
- Enforce the rules relating to debate, order and decorum
- Remind members to confine remarks to the merits of the question





## Duties of the Chair (cont.)

- Announces issues and keeps members on track
- Restates motion to place before the body and for clarity
- Recognizes members
- Asks for votes on each side and announces outcome
- Responds to requests and rules on points of order



## Chair Speaking in Debate

- Presiding officer should relinquish the chair if entering the discussion
- Officer should not return until the pending question is disposed of
- Exception with small boards and committees



## Committee-Debate

- General rule is to have motion first then discussion
- In committee it is recognized and generally acceptable to have discussion first then a motion



## Committee-Debate

- Members may raise a hand instead of standing when seeking the floor
- Members may remain seated during debate and discussion
- Informal discussion is permitted before a motion is pending
- Members may generally speak as often and as long as they like, subject to the rule of the chair



# What About Public Comment?



## Public Comment Basics

- The public has no statutory or constitutional right to participate in a meeting of a governmental body
- HOWEVER, local ordinances may provide a right to public comment, in which case constitutional issues come into play
- Public comment often presents challenges to the orderly transaction of business and maintenance of order at a meeting



## Public Comment – Constitutional Considerations

- County board and committee meetings are considered “limited public forums.”
- A county board may enact viewpoint-neutral “place, time, and manner” restrictions on speech during a board or committee meeting if there is a “legitimate government interest.” *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948, 74 L.Ed.2d 794 (1983)
  - Viewpoint-neutral means we cannot discriminate on the basis of the message advocated
  - Is the interest in an orderly meeting a “legitimate government interest?” (YES!!)



## *Steinburg v. Chesterfield Cty. Planning Comm'n*, 527 F.3d 377 (4<sup>th</sup> Cir. 2008)

- “[I]mposing restrictions to preserve civility and decorum [are] necessary to further the forum’s [i.e., board’s] purpose of conducting public business.” *Id.* at 385.
- In *Steinburg*, the court upheld the validity of a rule requiring a speaker during public comment to address only items germane to the agenda.





## What About Obscene or Disruptive Speech?

- Speakers during public comment can be silenced if they are being disruptive or threatening, but there is some ambiguity in how courts view speech to be disruptive or threatening.
- If you do NOT have a rule against the use of profanity, can you prohibit it?
  - What if member of the board/committee use profanity?
- Can “obscenity” be defined by the board/committee chair or should you define it in the board rules?



## Time Limits

- Imposing a time limit on a speaker during a public comment period is permissible within the “reasonable time, place, and manner” standard. *Shero v. City of Grove*, 510 F.3d 1196, 1203 (10th Cir. 2007).
- When can time limits be imposed?
  - BEST – in the board rules
  - PROBABLY OKAY – at the beginning of a meeting (and announced)
  - NEVER – in the middle of when a person is speaking



## Signs, T-Shirts and Banners

- This is a very complicated issue.
- The analysis is the same as it relates to speech:
  - Time, place, and manner restrictions are legal
  - Content neutral restrictions
- A board rule establishing parameters is very helpful
- But what is “disruptive?”
  - (This area is a minefield – work with corp counsel extensively.)



## Example of a Rule Upheld by a Court

It shall be unlawful for any person in the audience at a council meeting to do any of the following ... (1) Engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, such as, but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings of the council.

- (But notice the room for interpretation within this rule...)



## Special Considerations and Issues

- What do you do if the time for your meeting has come and you do not have a quorum?
  - Under RONR, a meeting can be called to order, but then must either adjourn or the members may make certain procedural motions
  - Be mindful of Open Meetings Law considerations. Just because you don't have a quorum does NOT mean you don't have a negative quorum or a walking quorum!
  - Best thing to do is call the meeting to order at the appointed time and note for the record (in writing) the meeting did not convene for lack of quorum and leave.



# Questions and Comments

