

Robert's Rules Basics & Quasi Judicial Proceedings

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Sources of BCC Procedural Rules

- Chapter 2, MGO, Rules pertaining to the CC.
- Sec. 33.01, MGO, Rules pertaining to the BCCs.
- Robert's Rules of Order
- Full MPM Power Point on Robert's Rules:
<https://www.cityofmadison.com/attorney/documents/RobertsRulesofOrder.pdf>
- Abbreviated "May's Manual":
<https://www.cityofmadison.com/attorney/documents/RobertsRulesGuide.pdf>

What do you need to know?

- Robert's Rules is approximately 700 pages long. You do not need to know all 700 pages. However, you should know basic rules regarding quorum, participating in discussion, making motions, and voting.
- Before getting to Robert's Rules, however, you should know that the City has adopted some rules (in Chapter 2 and Sec. 33.01) that apply instead of/in addition to Robert's Rules.

Sec. 33.01, MGO

- Governs City Boards, Committees and Commissions. Revised in 2009.
https://library.municode.com/wi/madison/codes/code_of_ordinances?nodeId=COORMAWIVOIVCH32--45_CH33BOCOCO_33.01BOCOCOPR
- Establishes quorum for BCCs is a majority of members.
- Establishes 15-minute rule on quorum. So, if quorum is not present by, for example, 5:15 pm, you cannot meet.
- Provides that BCCs may establish own rules (**except for reconsideration**) that do not conflict with other ordinances.
- Absent special rules or other ordinances, Robert's Rules applies.

Reconsideration

- Chapter 2, MGO, sets standing rules for Council. The only rule you really need to know in Chapter 2 is found in 2.21, reconsideration, which applies to boards, commissions, and committees as well as to the Council:

“It shall be in order for any member *who voted in the affirmative on any question which was adopted*, or for *any member who voted in the negative when the number of affirmative votes was insufficient for adoption* to move a reconsideration of such vote, **at the same or next succeeding regular meeting** of the Council. It shall be in order for *any member who was, due to an excused absence, not present at the time the question was considered* to move reconsideration of such vote **at the next succeeding regular meeting of the Council**. A motion to reconsider having been lost shall not be again in order. A motion to reconsider shall not be in order when the same result can be obtained by another motion.”

- A two step process -- a motion to reconsider must be approved before the matter will be reconsidered. If the motion is approved, then the matter being reconsidered is back before the body as if it had not yet been considered.
- Don't wait until the next meeting to let people know you are going to move to reconsider. If you wish an item to be reconsidered, let staff know with enough time to ensure that the Motion to Reconsider is listed as an item on the agenda of the “next succeeding regular meeting.”

Sec. 33.01 -- counting votes

- Counting majority vote: 33.01(8)(d), MGO:

“In the absence of any statute or ordinance to the contrary, motions before any Sub-unit shall be passed by an affirmative vote of not less than ***a majority of the Sub-unit in attendance*** so long as such majority vote ***is not less than a majority of the quorum of Sub-unit.***”

Members in Attendance	Votes needed for a motion to pass
5	3
6	4
7	4
8	5
9	5

Sec. 33.01 -- when the chair votes

- MGO 33.01(9)(c) states that ... “the chair of a Sub-unit shall not vote unless the chair's vote would affect the outcome of the matter before the Sub-unit and shall not participate in making motions or discussion thereon.” (emphasis added).

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Robert's Rules – Proceed by Motion

- The most basic rule of Robert's Rules: **proceed by motion.**
- No magic words: “I move that_____”, “I move adoption of_____”, “Move referral.”
- BCC Chairs can ask for a motion.
- Role of staff is to help!
- Keep close track of motion. Easy to do if it is “Motion to Approve.” More difficult if it is “Motion to Approve with condition that”
- No matter what, key is to be able to clearly tell what action the body took.
 - Example - move to open and close the public hearing

Robert's Rules – Kinds of Motions

- Robert's lists at least 84 different types of motions.
- **Adjourn.**
- **Adopt.**
- **Amend.** Normally no more than two levels of amendment allowed. Robert's, Sec. 12 (more on that later).
- Division of Assembly/Roll Call. Granted when asked, not debatable.

Robert's Rules – Main Motions and Amendments

- Motion to amend is a motion to modify the wording and, within certain limits, the meaning of a main motion before the body acts on the main motion.
- Amendment must still be germane to the main motion; it can't introduce a new subject under the pretext of being an amendment.
- A motion to amend takes precedence over the main motion – **must deal with it first before voting on the main motion.**
- If amendment is approved, then main motion is back before the body as modified.

Robert's Rules – Amending an amendment?

- RR allows two degrees of amendment, but normally not 3.
- So, the body can:
 - Make a main motion;
 - Move to amend the main motion (primary amendment); and
 - Move to amend the amendment (secondary amendment).
 - **Generally, third amendment not allowed**, but any number of each can be considered in succession – **just not more than one primary and one secondary at one time.**

Robert's Rules – Handling Main Motions, Debate, Amendments, and Voting.

Scenario: Chair calls an agenda item. At the conclusion of public comment, staff questions, etc., the Chair may say “Does someone want to make a motion?”

- Member: I move to approve the application.
- Member: I second the motion. [at this point, debate can ensue on the main motion].
- Member: [during debate]I move to amend main motion to add a condition that the applicant work with City engineering to design the rain garden depicted on the west end of the property.

Scenario

- Member: I second the amendment [at this point, the amendment takes precedence over the main motion and the body proceeds into discuss on the amendment].
- Member: [during debate on the amendment] Well, I like the amendment, but I also think the applicant should work with the City forester, so I move to add that the applicant work with both engineering and the City forester.
- Chair: Is that an amendment to the amendment?
- Member: Yes.
- Chair: Do I have a second for the amendment to the amendment?
- Member: I second.

Scenario

- Chair: OK. the motion to add consultation with the City forester is before the body. Do we have any discuss on that motion.
- Chair: [after some discussion] With discussion concluded, we'll take a vote on the amendment to the amendment. All those in favor of the motion to add that the applicant consult with the city forester to the primary motion to amend the motion to include consultation with the City engineer, say aye. Those opposed?
- Chair: [assume motion passes]. That motion passes. We are now back to the primary motion to amend the main motion. The motion to amend is now to add consultation with the city engineer and city forester before constructing the rain garden on the west end of the property. Any discussion?

Scenario

- Chair : [after some discussion] OK, with no further discussion, the motion before the body is to amend main motion to approve the application with a condition that the applicant work with the city engineer and forester when designing the rain garden. Those in favor, aye. Those opposed?
- Chair: [Assume motion passes] OK, we are now back to the main motion, which has just been amended. Any further discussion on the main motion?
- Chair: [After more discussion] Seeing no further discussion, we will now vote on the main motion, which is (repeat the full motion). Those in favor vote aye. Those opposed?
- Member: Motion for a roll-call vote.
- Chair: OK. There's been a motion for a roll-call vote, which does not require a second and is not debatable. Clerk, please do a roll call vote.
- Staff: Calls the roll
- Chair: After the roll call vote, motion passes.

Quasi-Judicial Proceedings

- A proceeding by an administrative body that acts like a court proceeding.
- Interpreting the law (Madison's ordinances) and applying the facts presented to that law to make a decision.
- The decision is appealable – either to another administrative body (like Plan Commission or Common Council) or Circuit Court.
- Hear & weigh evidence (is it credible?) and make findings supported by the evidence presented.
- Want more information? [Very old OCA materials](#)

QUESTIONS?

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