

**CONDUCTING CITY BUSINESS-
ORDINANCES, RESOLUTIONS, MOTIONS &
PARLIAMENTARY PROCEDURE**

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INTRODUCTION

"It is difficult to find another branch of knowledge where a small amount of study produces such great results in increased efficiency in a country where the people rule, as in parliamentary law."

- HENRY M. ROBERT

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OVERVIEW

- Sources of Authority.
- Differences Between a Resolution and an Ordinance.
 - Resolutions
 - Ordinances
 - Types of Ordinances
 - Requirements
 - Content and Adoption Procedures
 - Mayor's Vote or Veto
- Codification of Ordinances and Codes Adopted by Reference
- Parliamentary Procedure

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SOURCES OF AUTHORITY

The Hierarchy of Supremacy

United States Constitution
 ↓
 Missouri Constitution
 ↓
 Revised Missouri Statutes
 ↓
 Municipal Ordinances
 ↓
 Standing Orders
 ↓
 Custom

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DIFFERENCE BETWEEN RESOLUTIONS AND ORDINANCES

➤ Ordinance:


- The legislative acts of a governmental body.
- Creates a new local law, new authority for local government agents to act.



➤ Resolutions:

- A resolution is ministerial in character rather than legislative, and it relates to the administrative business of the municipality.
- Often used as an expression of opinion.

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RESOLUTIONS

- A resolution is not an ordinance.
- A resolution usually deals with matters of a special or temporary character.
- A resolution may express the opinion or state of mind of the governing body, or it may relate to the administrative or ministerial aspect of the entity.
- A resolution has no particular form in the absence of a statutory or charter requirement.
- Unless required by charter, a resolution does not require formalities of procedure for approval.
 - Generally, does not need to be signed by the Mayor.
 - Generally, no veto.
 - *Viva Voce* vote.

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ORDINANCES

➤ In general, an ordinance is a “local law” of a municipal entity, duly enacted by proper authority, that prescribes uniform and permanent rules of conduct relating to the corporate affairs of the entity. It is a legislative act that continues in force until repealed.

➤ Types of Ordinances:

- General and Special
- Penal and Non-Penal
- Police Powers
- Public Improvements
- Administrative

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ORDINANCE REQUIREMENTS

➤ Adopted by a public body duly created, legally existing and convened at the time of the adoption.

➤ Governing body has power to enact ordinances.

➤ Ordinance within scope of powers.

- *Dillon’s Rule.*


➤ Ordinance is reasonable, definite and certain in terms and expressions.

➤ Adopted in the required form and using the proper procedure.

➤ In harmony with constitution and existing laws.

➤ Must have a public purpose.

➤ Conditions Precedent

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ORDINANCE CONTENT AND ADOPTION PROCEDURES

➤ Must be in writing

➤ Must include title or subject

➤ Recitals or Preamble

➤ Enacting Clause: “Be it ordained by...”

➤ Must be properly read

- In full or title only


➤ Passed by “majority of the members elected to...”

➤ Vote recorded in the minutes

➤ Signed by the Mayor

➤ Effective Date


➤ Severability Clause

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MAYOR'S VOTE OR VETO


- Vote:
 - Mayor may vote to break tie.
- Veto:
 - Passed bill returned with written objections at or before the next regular meeting.
 - "Shall the bill pass, the objections of the mayor thereto notwithstanding?"
 - Two-thirds of all the members-elect.

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CODIFICATION OF ORDINANCES AND CODES ADOPTED BY REFERENCE

- City Code:
 - The collecting, assembling and organizing of existing ordinances of the municipality and publication thereof in permanently bound or loose-leaf book form
 - 3 copies must be in office of City Clerk and kept available for inspection
- Codes Adopted by Reference:
 - Technical Codes: Building, Mechanical, Plumbing, etc.
 - Nuisance Abatement
 - Model Traffic Code
 - Vehicle Equipment


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PARLIAMENTARY PROCEDURE



Robert's Rules of Order

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PARLIAMENTARY PROCEDURE

“A manual suitable for adoption by organizations as a parliamentary authority must necessarily acquire some complexity. Otherwise, in practical cases, questions are sure to arise that it fails to answer. But one of the greatest needs in parliamentary procedure today is for an increased yet relatively small, basic portion of it to become the common property of everyone, much as the rules of baseball.”

-HENRY M. ROBERT

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PARLIAMENTARY PROCEDURE – THE BASICS

- Location and Time of Regular Meetings
- Special Meetings
- Order of Business/Agenda
- Rules for Conduct
- Appoint a Parliamentarian
- Minutes

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PARLIAMENTARY PROCEDURE – KNOW YOUR ROLE

- Mayor/Chairperson:
 - Presides over the meeting
 - Conducts the meeting
 - Call meeting to order
 - Determine a quorum is present
 - Sees that rules are observed
 - Declare results of votes
- Board or Council/Members:
 - May speak when recognized to have the floor
 - Makes/seconds motions


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PARLIAMENTARY PROCEDURE – MOTIONS


- Make clear and concise motions
- Motions should be stated in the affirmative:
 - Yes: “I move to deny”
 - No: “I move to not approve...”
- Motion must be seconded
- Chair states the question
 - Restate the motion
 - Clarify motion before stating the motion

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PARLIAMENTARY PROCEDURE –MOTIONS


- Main Motion
 - Only motion that brings business before the assembly
- Basic steps for consideration:
 - Motion
 - Second
 - Chair States the question
 - Debate
 - Chair puts the question
 - Chair announces the results

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PARLIAMENTARY PROCEDURE –MOTIONS

- Motion to Amend
- Motion to Amend an Amendment
- Motion to Depart from Adopted Agenda (2/3 required)
- Motion to Reconsider
- Motion to Suspend the Rules (2/3 required)
- Move for Previous Question (2/3 required)
- Motion to Adjourn

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PARLIAMENTARY PROCEDURE – MOTIONS (TABLE v. POSTPONE)

- Motion to Lay on the Table:
 - Table is used if intent is to bring item up later in the same meeting.
- Motion to Postpone:
 - Postpone is used if you want to bring up at a later date.
 - Postpone to a Certain Time
 - Postpone Indefinitely
- Motion to Lay on the Table is often incorrectly used.
 - “Rather than always ruling such a motion out of order, however, the chair should properly treat it as a ‘motion to postpone the question until...’”

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PARLIAMENTARY PROCEDURE – MOTIONS (NO SECONDS)

- Point of Order
- Parliamentary Inquiry
- Point of Information
- Division of the Assembly (Roll Call Vote)
 - Count of Vote on Division

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PARLIAMENTARY PROCEDURE – DECORUM

- Rules for the Public: Necessary to further the forum’s purpose of conducting public business.
 - Conducting efficient, orderly meetings of the public governmental body.
 - First Amendment Concerns
 - Roberts v. University City: Be wary of reacting to negative comments.
- Rules for Debate:
 - Enforceable through Robert’s Rules or City rule.

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