



How to Avoid a Meeting Meltdown: Robert's Rules to the Rescue!

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Disclaimer

- The information in this presentation does not, and is not intended to, constitute legal advice.
- This information is intended to provide an overview of the Open Meetings Law. The application of Robert's Rules of Order to any given situation is fact-dependent.

Today's Agenda

- General Overview of Open Meetings Laws
- Robert's Rules: Purpose & Guiding Principles
- Players & Roles
- Key Terminology
- Meetings & Quorum
- Motions
- Voting

Open Meetings Law

NC General Statute Article 33C §143

“Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people’s business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.”

N.C.G.S. § 143-318.9

Official Meetings Open to the Public

N.C. G.S. § 143-318.10

- (a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.
- “Public body” includes the commission, but does not include meetings solely among professional staff of a public body
- (d) “Official Meeting” means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

Minutes of Meetings

N.C.G.S. § 143-318.10(e)

- Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

Closed Sessions

N.C.G.S. § 143-318.11

- (a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:
 - (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
 - (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be disclosed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

Procedure for Calling a Closed Session

N.C.G.S. § 143-318.11

- (c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

Robert's Rules: Purpose

- Facilitate an organized and competent meeting by assuring business is managed and ideas are heard without wasting time.
- Assure fairness.
- Facilitate deliberation.
- Promote informed decision making.
- We want everyone understanding the rules so everyone feels empowered to participate in the meeting and/or decision making process.

Guiding Principles

- All things needed to run an organized and competent meeting.
 - Ensuring discussion is productive by remaining on task
 - Requiring acknowledgement before speaking
- All members of a collective body have a right to (be notified of) and attend meetings, make motions, speak in debate, and vote.
- The minority gets to be heard, the majority prevails.
- Robert's Rules only apply where the Bylaws do not contain a rule.

Players and Roles

- General Body (“Members”)
- Chair
- Vice Chair
- Officers (Secretary, Treasurer)
- Parliamentarian
- Committees
 - Standing- typically established in your organizational constitution to serve permanent objectives.
 - Special- may be established by the Chair or by the general body to serve short-term objectives

Key Terms

- Quorum
- Recognition
- Motions
- Debate
- Vote



Meetings & Standard Agenda

- Call to Order
- Roll Call and Quorum Check
- Adoption of Agenda
- Approval of Minutes
- Reports
 - Officers
 - Committees (Standing & Special)
- Special Orders
- Unfinished Business and General Orders
- New Business
- Adjourn

General Body Meeting

- Regularly scheduled meetings (once per month, quarterly, annually).
- Agenda (free to add an agenda item)
- Unlike the Special Meeting, to be discussed on next slide, business need not be within the scope of any type of notification.
- Must provide an opportunity to discuss new business, or members can add specific items to the agenda.

Special Meeting

- May be called for any proper purpose, and in any way described in the bylaws.
- If a Special Meeting is called, the notice must state the purpose of the meeting.
- Special Meetings may only address the stated purpose of the meeting and may not address any new business.
- Any business conducted outside the scope provided in the meeting notification is invalid and without effect.

Quorum: “The Majority Prevails”

- Unless the by-laws state otherwise, quorum is a majority of all Members. Without quorum, the General Body may not act.
 - “Super majority”- 2/3 quorum requirement.
 - 17 members: 9 =quorum and 12= super majority
- If a quorum is present at a meeting, passing a resolution requires only a majority vote of those present.
- Quorum can be lost (“broken”) if people leave. Once quorum is no longer present, the General Body may no longer take action.

Motion Procedure

- Motion
 - Recognition
 - Timing
- Second (does not require recognition)
- Statement of the Motion
- Debate
- Vote
- Result Announcement

The Motion (Main Motion)

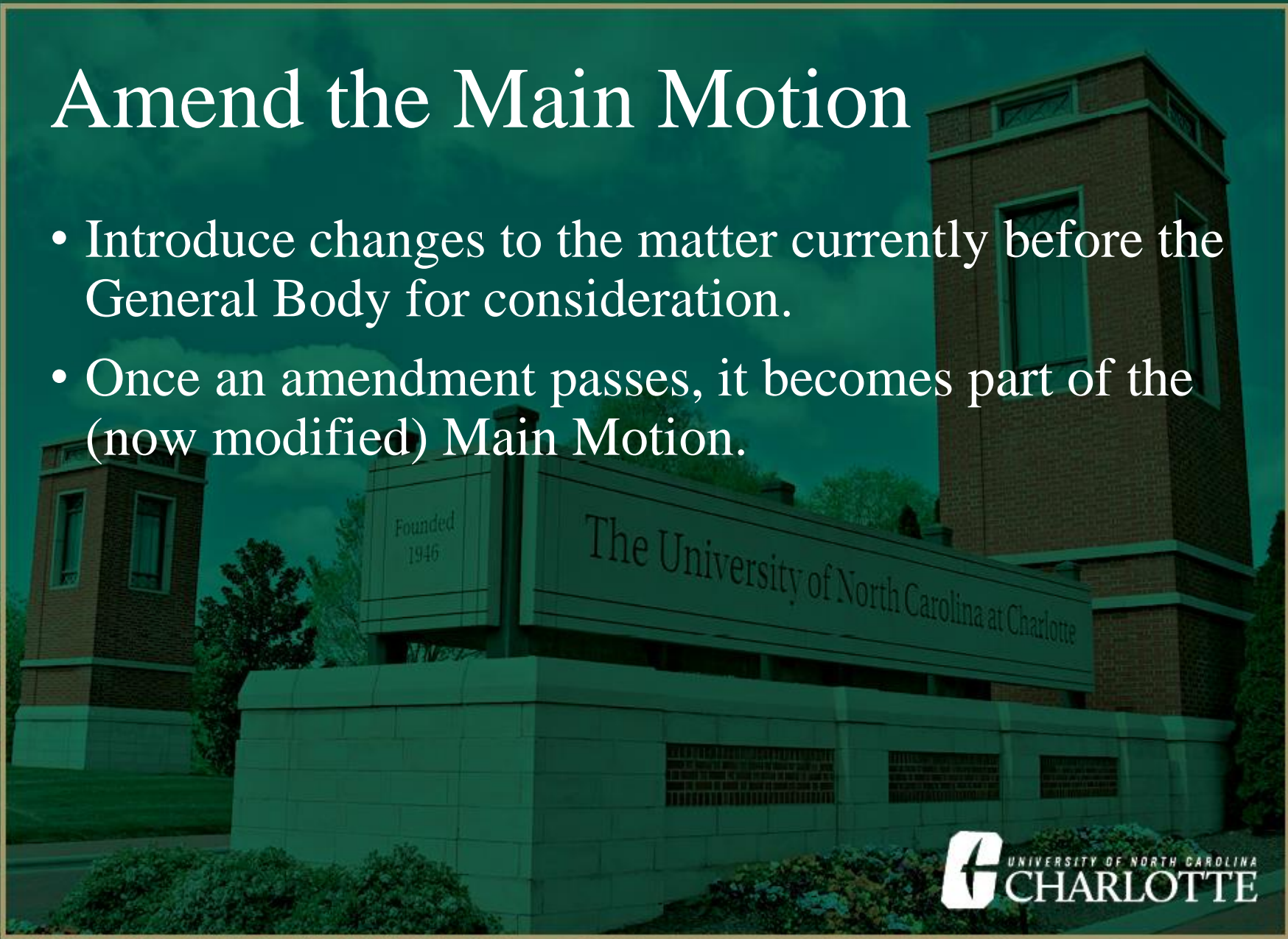
- During the “New Business” portion of the meeting, Members can introduce new items and begin discussion by using a Main Motion.
- Requires recognition, and a second (which does not require recognition).
- “I Move...”
- Members may also make a motion to adopt recommendations made by an officer or committee during officer/committee reports.
- Only one Main Motion may be considered at any given time.

Debate (Discussion)

- No discussion of any issue may be had without a motion.
- After a motion is appropriately made and seconded, all discussion must be germane to that motion.
- The Chair may not engage in debate.

Amend the Main Motion

- Introduce changes to the matter currently before the General Body for consideration.
- Once an amendment passes, it becomes part of the (now modified) Main Motion.



Now what?

- Once a motion is before the General Body, the General Body must take one of the following actions before introducing any other business or taking up the next item in the agenda:
 - (1) Vote to adopt or reject the motion; or
 - (2) Delay action
 - Motion to Refer to a Committee
 - Motion to Lay on the Table

Voting

- “Aye” (affirmative), or “No” (negative).
- If a voice vote is close, any Member can force a rising vote by shouting “Division!”
- Generally, proxy voting is not allowed.

Refer to Committee

- Similar to Main Motion
 - Requires a second
 - Debatable and amendable
- Members may make their own suggestions as to the committee makeup or any timeframes the committee should serve.
- May vest the committee with the authority to act on behalf of the General Body or require the committee to report back with recommendations for the General Body to vote on.

Lay on the Table

- Slightly different from the Main Motion:
 - Requires a Second
 - Not debatable or amendable
- Postpone taking any action on a motion until a later time.
- The item of business may be revived at a later time by making a motion “to take from the table.”

Point of Order

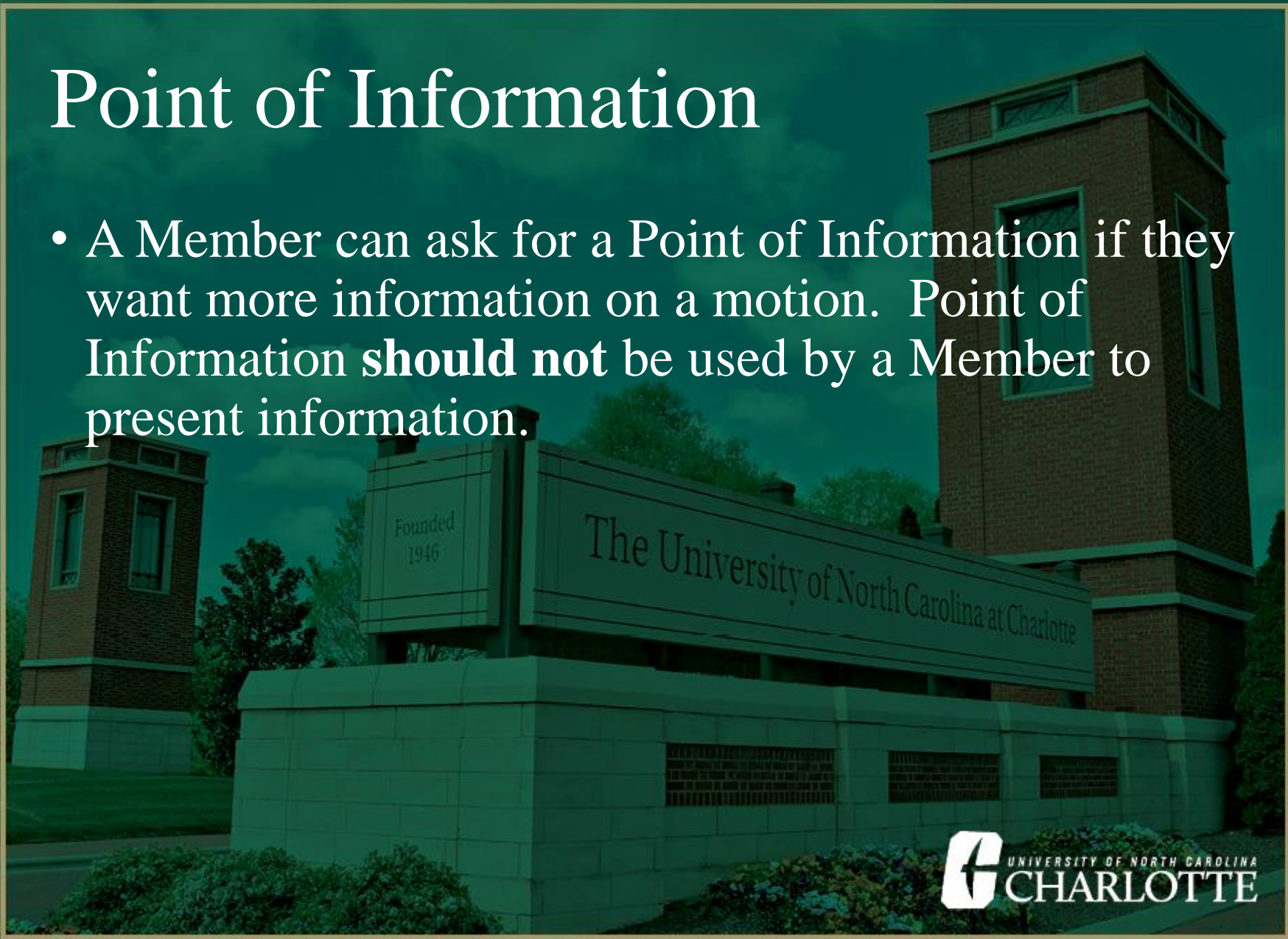
- When a Member thinks that the rules of the assembly are being violated, he can make a Point of Order, thereby calling upon the chair for a ruling and an enforcement of the regular rules.
- No recognition requirement. You may interrupt and no second is needed.
- Debate is not allowed. Only a statement of the rule that is being broken.
- If the Chair rules against your point of order, you may overrule the chair with an “Appeal”

Appeal

- By one Member making an appeal and another seconding it, the question is taken from the Chair and vested in the General Body for final decision.
- The only question before the General Body: “Shall the decision of the Chair be sustained?”

Point of Information

- A Member can ask for a Point of Information if they want more information on a motion. Point of Information **should not** be used by a Member to present information.



Point of Inquiry

- A Member may use a point of inquiry to ask for clarification in an officer or committee report to assist the Member or General Body make a better informed voting decisions.

Discipline

- Although the Chair has no authority to impose a penalty or to order the offending member removed from the hall, the General Body has that power.
- It is also possible to adopt a motion of censure without formal disciplinary procedures.

Other Motions

- Limit or extend debate- request more discussion time
- Recess- let's take a break
- Withdraw Motion
- Adjourn- end the meeting

Robert's Rules: Returning to our Guiding Principles

- (1) The General Body is adequately represented in the decision making process.
- (2) Every member and every idea has an opportunity to be heard.
- (3) There is “a time and a place” for everything.

Questions?

