

OFFICE OF THE CITY COUNCIL



FLINT CITY COUNCIL

PARLIAMENTARY TRAINING ON DILATORY MOTIONS & APPEALS

Monday, March 1, 2021

5:30 p.m. to 8:30 p.m.

1) MEMBER REMOTE ANNOUNCEMENT

Pursuant to the newly revised Open Meetings Act, each Council member shall state that they are attending the meeting remotely and shall state where he or she is physically located (county or city and state).

2) MEMBER CONTACT INFORMATION

Eric Mays = (810) 922-4860; Maurice Davis = mdavis@cityofflint.com; Santino Guerra = sguerra@cityofflint.com; Kate Fields = kfields@cityofflint.com; Jerri Winfrey-Carter = jwinfrey-carter@cityofflint.com; Herbert Winfrey = (810) 691-7463; Monica Galloway = mgalloway@cityofflint.com; Allan Griggs = agriggs@cityofflint.com; Eva Worthing = eworthing@cityofflint.com

3) PROCEDURES ON CONDUCTING ELECTRONIC MEETINGS

All boards and commissions must adhere to all laws established under the Michigan Compiled Laws and in accordance with the revisions to the Open Meetings Act adopted in Senate Bill 1108, as passed on October 13, 2020, and signed into law on October 16, 2020.

4) BRIEF OVERVIEW OF PURPOSE

5) PUBLIC SPEAKING and COUNCIL RESPONSE

6) INTRODUCTION OF MODERATOR

Kate Fields, City Council President

7) MODERATOR/PRESENTER

Eleanor "Coco" Siewert, Professional Registered Parliamentarian

8) QUESTIONS TO THE MODERATOR REGARDING TRAINING

9) ADJOURNMENT

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[NOTE: THE PUBLIC AND MEDIA MAY LISTEN TO THE MEETING ONLINE BY LIVE STREAM AT <https://www.youtube.com/channel/UCp2cWTuocUM3awU4xXWzwaw> OR THROUGH START MEETING BY DIALING (617) 944-8177.]

MUNICIPAL CENTER

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Dilatory Motions and the Motion to Appeal

City of Flint

March 1, 2021

Eleanor A. Siewert

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What is Dilatory?

- * Dictionary definition of dilatory: Intentionally causing delay; action intended to stall forward progress.
- * *Robert's Rules* definition of dilatory: A motion is dilatory if it seeks to obstruct the will of the body.
- * Even without adopting a rule on it every deliberative group has the right to protect itself from the use of dilatory motions.

Dilatory Motions

- * A motion that is frivolous or absurd.
- * A motion that contains no rational proposition.
- * A motion to lay on the table the matter for which a special meeting has been called.

When Call for a Division is Dilatory

- * It is dilatory to demand a Division of the Assembly when the result of a vote is clear.
- * A Division is called for when a member doubts the result of a vote and wishes the vote to be taken again.

Dilatory Motions

- * Appealing of a decision of the chair on which there cannot possibly be two reasonable opinions.
- * Moving to adjourn again and again when nothing has happened to justify renewal of such a motion.

Duty of Chair on Dilatory Motions

- * The presiding officer has the responsibility to enforce rules relating to debate and decorum.
- * The chair should protect the assembly from obviously dilatory motions by refusing to recognize them. When the chair becomes convinced that one or more members are repeatedly using parliamentary forms for dilatory purposes he should not recognize these members or he should rule that such motions are not in order.

Dilatory Use of Point of Order

- * A member raises a point of order when he thinks the rules of the body are being violated.
- * It is dilatory to use a point of or to interrupt or to gain the floor.
- * It is dilatory to constantly raise points of order and then appeal the chair's decision on the point of order.

Point of Order

- * The member must name the rule that is being violated.
- * The chair must have ample opportunity to respond to the point of order.
- * A point of order is not debatable.

Point of Information

- * Point of Information is a request for information related to the business at hand – directed to the chair or through the chair to another person.
- * A point of information must be specific and in the form of a question.

Appeal

- * The presiding officer should make necessary rulings on questions of parliamentary law.
- * Any two members have the right to appeal from the decision on such a ruling.
- * By one member making the appeal and another seconding it, the question is taken from the chair and vested in the body for final decision.

Appeal

- * Members have no right to criticize a ruling of the chair unless they appeal.
- * The motion is in order when another has the floor.
- * An appeal is usually debatable. When debatable the chair speaks first, each member may speak once and the chair may speak last.

Appeal

- * An appeal can only be applied to a ruling by the chair.
- * The chair's discussion of an agenda item or issue is not subject to appeal.
- * The announcement of a vote is not subject to point of order or appeal. If a member doubts the correctness of an announced result, the member should call for a Division.

Appeal

- * If an appeal is to be made it must be made at the time of the chair's ruling. If any debate or business has intervened, it is too late to appeal.
- * If a point of order is raised while an appeal is pending, there is no appeal from the chair's decision on the point of order.

Undebatable Appeals

- * An appeal is debatable except for specific times when it is not debatable. It is not debatable:
- * When it relates to indecorum.
- * When it relates to the rules of speaking.

Undebatable Appeals

- * An appeal is not debatable:
- * When it is made while an undebatable question is pending.
- * When an appeal is not debatable the chair can, prior to taking the vote, give the reasons for his decision.

Abstentions

- * The Flint City Charter Sec. 3-204 states a councilmember is required to vote aye or nay unless they have a conflict of interest as defined in the Charter or in the law.
- * The Charter also states a member has the right to abstain providing the member provides a reason.

Abstentions

- * The intention to abstain and the reason for the abstention is stated by the member at the time the agenda item is introduced.
- * A member has not right to “explain his vote” during voting, which would be the same as debate at such a time.

Civil Meetings

- * Members should refrain from using raised voices.
- * Members must avoid personalities in discussion.
- * The main consideration should be the residents and the business community.