





# Board Packet

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# PRINCIPLES OF GOOD GOVERNANCE



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PRINCIPLES <sup>1</sup>	APPLICATION AND DESCRIPTION
<b>1. LEGITIMACY AND VOICE</b>	<p><b>PARTICIPATION</b> – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.</p> <p><b>CONSENSUS ORIENTATION</b> – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.</p>
<b>2. DIRECTION</b>	<p><b>STRATEGIC VISION</b> – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</p>
<b>3. PERFORMANCE</b>	<p><b>RESPONSIVENESS</b> – institutions and processes try to serve all stakeholders.</p> <p><b>EFFECTIVENESS AND EFFICIENCY</b> – processes and institutions produce results that meet needs while making the best use of resources.</p>
<b>4. ACCOUNTABILITY</b>	<p><b>ACCOUNTABILITY</b> – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external.</p> <p><b>TRANSPARENCY</b> – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</p>
<b>5. FAIRNESS</b>	<p><b>EQUITY</b>– all men and women have opportunities to improve or maintain their wellbeing.</p> <p><b>RULE OF LAW</b>– legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</p>

<sup>1</sup> Principles organized and presented by, Graham, John, Bruce Amos and Tim Plumptre (2003) *Principles for Good Governance in the 21st Century*, Policy Brief No.15. Ottawa, Canada: Institute On Governance as based on United Nations Development Program “Governance and Sustainable Human Development” (1997), [www.mirror.undp.org/magnet/policy](http://www.mirror.undp.org/magnet/policy). Updated 11/13



**NOTICE:** This model policy is a draft work in progress by the Local Government Center at Montana State University. It is intended to serve as a guide to the development of rules of procedure for a Sewer/Water Board. It should not be adopted prior to review by the competent legal counsel. Recommendations for improvements should be communicated to Dan Clark 994-6694 or email at [daniel.clark@montana.edu](mailto:daniel.clark@montana.edu).

## Rules and Procedures for Governing Water/Sewer Districts

### PART I. General Provisions

**Section 1.01 Purpose** The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the \_\_\_\_\_ Water/Sewer Board of \_\_\_\_\_ Sewer/Water District. These rules of procedure are intended to assure that the Board can accomplish its work efficiently, in full view of the public and with reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

**Section 1.02 Authority** These rules of procedure are promulgated pursuant to and supplement Part 10, Chapter 11, Title 7, Montana Code Annotated.

### PART II. Public Participation

**Section 2.01 Policy** It is the policy of \_\_\_\_\_ Water/Sewer District that the public shall be afforded reasonable opportunity to participate in the operation of Board prior to the final decision of the Board concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing;
2. Adopting, Implementing, interpreting, prescribing or altering a rate, rule or policy of the District;
3. Relating to the budgetary and financial affairs of the District.

**Section 2.02 Open Meetings** A meeting of the \_\_\_\_\_ Water/Sewer Board is convened whenever a quorum of Board members hear, discuss or act upon any matter over which they have jurisdiction. All meetings of the \_\_\_\_\_ Water/Sewer District shall be open to the public. However the presiding officer of the Board may close any meeting during the time the discussion relates to a matter of individual privacy and then if an only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and in that event, the meeting must be open.

**Section 2.03 Notice** The \_\_\_\_\_ Water/Sewer Board shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the \_\_\_\_\_

Water/Sewer District shall be posted on the designated public posting board not later than 48 hours prior to the meeting.

**Section 2.03 Public Posting Board** The Board of \_\_\_\_\_ Water/Sewer District designates as its official posting place the (e.g. posting board in the lobby of the courthouse near the East entrance.)

### **PART III. Procedures**

**Section 3.01 Quorum** A quorum of the \_\_\_\_\_ Water/Sewer Board shall consist of \_\_\_\_\_ Board Members. No meeting of the Board shall be convened without a quorum and no decision of the Board on any matter requiring a majority vote of the Board shall be made except by the affirmative vote of \_\_\_\_\_ (e.g. 50% of the Board +1) Board Members.

**Section 3.02 Agenda Preparation** Proposed ordinances, resolutions, reports, recommendations, contracts and all other matters requiring consideration, discussion or decision by the Board shall be submitted to the Chairperson of the Board or to the secretary of the Board by 12:00 noon on \_\_\_\_\_ (e.g. Friday) immediately preceding the next regularly scheduled meeting of the Board. The Chairperson or his/her designated representative shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda shall be provided to each member of the Board not later than 48 hours prior to the scheduled meeting. Copies of the agenda shall be readily available to the press and to the public at large and one copy shall be posted on the designated public posting board not later than 48 hours prior to the scheduled meeting.

**Section 3.03 Order of Business** The presiding officer shall prepare the agenda in substantially the following form which may be altered by consent of the Board:

1. Roll Call of the Board Members
2. Pledge of Allegiance (optional)
3. Approval of Minutes of the Previous Meeting.
4. Public Comment over anything on the agenda.
5. Scheduled Matters.
  - a. Opening of Bids.
  - b. Appeals.
  - c. Consent Items (no discussion)\*.
    - i. General Business
    - ii. Claims (paying the bills)
    - iii. Routine internal operations matters
  - d. Public Hearing (required by law or ordinance)
  - e. Other Scheduled Matters
6. Public Comment on anything not on the agenda but within the jurisdiction of the Board.
7. Unscheduled Matters: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Board. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule no matter of

significant interest to the public should be decided upon without prior notice to the public as a scheduled Board agenda item.

## 8. Adjournment

*\* **Consent Items** are those upon which the presiding officer considers no discussion should be necessary. However, at the beginning of each meeting any Boarder may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer shall schedule such discussion and vote immediately following adoption of the consent agenda.*

## **PART IV. Rules of Board Participation**

**Section 4.01 Policy** To provide for the effective participation by all members of the \_\_\_\_\_ Water/Sewer Board and to protect the right of participation by members of the public appearing before the Board, all meetings of the Board shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.

**Section 4.02 Rules** Board debate shall proceed in accordance with the following rules:

1. A Board Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Board Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Board Member while speaking is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Board but must be seconded prior to discussion and vote. If the motion is not seconded it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Board Member of the prevailing side, but may be seconded by any Board Member and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other proper motion at a subsequent meeting of the Board but the matter must be a scheduled agenda item.

**Section 4.03 Suspension of the Rules of Debate** The rules of debate may be suspended temporarily by the unanimous vote of the entire Board.

**Section 4.04 Majority of Whole Board Required** The affirmative vote of three Board Members is required to adopt any measure unless a greater number of votes may be required by law or ordinance.

**Section 4.05 Duty to Vote** It shall be the duty of each Board Member to vote in the affirmative or negative on each motion duly placed before the Board by the presiding officer. A Board Member may make a brief explanation of the reason why she or he voted in a particular way.

**Section 4.06 Proxy Voting** A Board Member who is not present in the meeting at the time a motion is put to a vote cannot vote. Board Member shall not be permitted to vote by a proxy vote or by written vote.

**Section 4.07 Conflict of Interest** Any member of the Board who has a private interest, as defined by law or as so advised by the County Attorney, in any matter pending before the \_\_\_\_\_ Water/Sewer District shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Board, except as otherwise provided by [2-2-201](#), MCA. If the presiding officer has a private interest in a matter pending before the Board he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which she or he has a private interest.

## **PART V. Presentation to the Board**

**Section 5.01 Procedures** The general procedure by which items are handled by the Board Members at *other than public hearings* shall be as follows:

1. The presiding officer or staff member presents the item to the Board along with a brief summary of the matter for discussion, with or without the presiding officer's recommendation.
2. For the purpose of clarification and after recognition by the presiding officer, Board Members may direct questions about the item to the presiding officer or staff member.
3. Comments from the applicant or applicant's representative will then be heard by the Board.
4. After recognition from the presiding officer the Board may direct questions to the applicant.
5. The presiding officer will then invite members of the audience to present or submit testimony beginning with those in favor of the proposal, followed by those who oppose the proposal and concluding with those who neither favor nor oppose the proposal.



6. All testimony shall be directed to the presiding officer.
7. The Board may, upon a proper motion and second, vote on the matter or table the matter until a date certain.

## **PART VI. Public Hearings**

**Section 6.01 Procedures** The Board shall conduct public hearings as required by law. Public testimony will be presented to the Board in the same format as described in PART V above, except that witnesses may be required to testify under oath as provided by law in which case the Board shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall, with advice from the County Attorney/legal counsel, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Board. Additionally, the following rules of procedure shall apply:

1. The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
2. Following the presentation of all testimony and evidence, the Board may: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Board; (2) Close the public hearing and proceed to Board debate of the matter; or (3) Continue the Board debate and vote to a date certain.
3. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Board, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

## **PART VII. Guide for Public Participation**

**Section 7.01 Guidelines for Public Participation** The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the \_\_\_\_\_ Water/Sewer Board.

1. The public shall be invited to speak on any item under consideration by the Board after and only after recognition by the presiding officer.
2. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
3. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. Prepared statements that are also read, however,

shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.

4. While the Board is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Board nor disturb any member of the public or of the Board while speaking or refuse to obey the orders of the presiding officer of the Board.
5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Board by the presiding officer, unless permission to continue be granted by a majority vote of the Board.

## **PART VIII. Ordinances and Resolutions**

**Section 8.01 Ordinances** Except as provided by law, proposed ordinances may be introduced only by a member of the \_\_\_\_\_ Water/Sewer Board and in the following manner:

1. A draft of a proposed ordinance shall be presented to the Board as an agenda item during a regularly scheduled meeting. An emergency ordinance shall be presented and acted upon by the Board as provided by law.
2. If the draft ordinance is provisionally adopted by the Board during this first reading, it shall then be placed on the agenda for second reading and final adoption occurring at least twelve (12) days after the first reading and provisional adoption. After being provisionally adopted, the ordinance shall be posted in a conspicuous place on the Board's official posting place and copies thereof shall be available to the public.
3. The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the Board.
4. All ordinances, except emergency ordinances, shall become effective thirty (30) days after the second reading and final adoption. All emergency ordinances shall become effective at the time indicated therein.

**Section 8.02 Resolutions** Except as provided by law, proposed resolutions may be introduced at any time by a member of the Board and if adopted shall be effective on the date specified therein.

**Section 8.03 Right of Initiative** The people retain the right to present ordinances and resolutions for adoption by the initiative process, as prescribed by law.

# PARLIAMENTARY PROCEDURE

- All have equal rights, privileges and obligations
- A quorum must be present for group to act
- Robert's Rules is handbook of operation
- Use of Motions (A proposal for assembly to take a stand or take action)

## FIVE TYPES OF MOTIONS

### MAIN MOTION

Introduce subjects for consideration  
Cannot be made when another motion is before assembly  
Yield to privileged, subsidiary, incidental motions  
**"I move that we purchase a..."**

### SUBSIDIARY MOTION

Change / affect main motion for consideration  
Voted on before the main motion  
**"I move to amend the motion by striking out..."**

### PRIVILEGED MOTION

Concern special matters not related to pending business  
Considered before other motions  
**"Because of the time, I move that we adjourn..."**

### RENEWAL MOTION

Allow certain items to be reconsidered  
Usually brought up when no business is pending  
**"I move to reconsider..."**

### INCIDENTAL MOTION

Questions of procedure  
Considered before other motions  
**"I move to divide the motion so that the question of purchasing ... can be considered separately."**

# ROBERT'S RULES OF ORDER

Typically, organizations using Robert's Rules follow the prescribed order of business during meetings to provide a framework for conducting orderly meetings.

## TYPICAL ORDER OF BUSINESS

- The Chair calls the meeting to **order**.
- A **roll is called** of all present members.
- The secretary reads the **minutes** of the last meeting.
- Each **officer** gives a **report**.
- Each **committee representative** gives a **report**.
- Special orders (by way of **motions**) are called for and consist of any **important business** that was previously set aside to discuss at the meeting.
- **Unfinished business** from a previous meeting is discussed.
- **New business** can be brought forth at this time.
- **Announcements** are made.
- The meeting is **adjourned**.

## MEETING GROUND RULES

- Meetings will start and end on time
- Every member's opinion is valuable
- Avoid sidebar conversations
- Focus on the meeting
- Decisions will be criteria-based
- Address any concerns

## WHEN DEBATING YOUR MOTIONS

- Listen to the other side
- Focus on issues, not personalities
- Avoid questioning motives
- Be courteous
- Keep cool
- Speak clearly and concisely

Meeting ground rules are an agreed upon list of behavior expectations for members while participating in a meeting. These are a few examples that should be established to ensure a successful meeting.

## VOCABULARY

Robert's Rules of Order and other parliamentary procedures contain specific vocabulary to be used at meetings.

<b>POINT OF PRIVILEGE</b>	This term refers to the right of the person speaking to have the floor and not be interrupted by others.
<b>PARLIAMENTARY INQUIRY</b>	Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
<b>POINT OF INFORMATION</b>	This term refers to the method used to ask the speaker a question.
<b>ORDERS OF THE DAY (AGENDA)</b>	If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
<b>POINT OF ORDER</b>	Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
<b>DIVIDE THE QUESTION</b>	This term is used when a motion is split into two or more new separate motions.
<b>CONSIDER BY PARAGRAPH</b>	When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
<b>WITHDRAW / MODIFY MOTION</b>	After the question is stated; the person who made the motion may accept an amendment to the motion.
<b>COMMIT / REFER / RECOMMIT TO COMMITTEE</b>	Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.

<b>EXTEND DEBATE</b>	Calling to extend debate can be used for the question currently under debate and usually has a time limit.
<b>LIMIT DEBATE</b>	This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
<b>POSTPONE</b>	If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
<b>OBJECT TO CONSIDERATION</b>	Objection must be stated before discussion or another motion is stated.
<b>LAY ON THE TABLE</b>	This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.
<b>TAKE FROM THE TABLE</b>	If a motion has been previously “laid on the table,” it can be opened and considered again by stating the motion to “take from the table.”
<b>RECONSIDER</b>	If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
<b>POSTPONE INDEFINITELY</b>	Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
<b>INFORMAL CONSIDERATION</b>	This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into “Committee of the Whole.” Voting is still done formally and is still valid while the meeting is in an informal mode.
<b>APPEAL DECISION OF THE CHAIR</b>	The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
<b>SUSPEND THE RULES</b>	This allows specific, stated rules with the exception of the assembly’s constitution to be suspended.

# PARLIAMENTARY MOTIONS GUIDE

Based on Robert's Rules of Order Newly Revised (11th Edition) and [www.jimslaughter.com](http://www.jimslaughter.com)

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

## PRIVILEGED MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Adjourn	I move to <b>adjourn</b>	No	Yes	No	No	Majority	Yes
Take a break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority	No
Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None	No
Orders of the day	I call for the <b>orders of the day</b>	Yes	No	No	No	None	No

## SUBSIDIARY MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Lay aside temporarily	I move to <b>lay the question on the table</b>	Yes	Yes	No	No	Majority	Negative vote only
Close debate	I move the previous question	No	Yes	No	No	2/3	Yes
Limit / extend debate	I move that <b>debate be limited to...</b>	No	Yes	No	Yes	2/3	Yes
Postpone to a certain time	I move to <b>postpone</b> the motion to...	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee	I move to <b>refer</b> the motion to...	No	Yes	Yes	Yes	Majority	Yes
Amend a motion	I move to <b>amend</b> the motion by...	No	Yes	Yes	Yes	Majority	Yes
Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority	Affirmative vote only

## MAIN MOTIONS

<b>YOU WANT TO:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>	<b>RECONSIDER?</b>
Bring business to motion	<b>I move that (or "to")...</b>	No	Yes	Yes	Yes	Majority	Yes

No order of precedence. Arise incidentally and decided immediately.

## INCIDENTAL MOTIONS

<b>YOU WANT TO:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>	<b>RECONSIDER?</b>
Enforce rules	<b>Point of order</b>	Yes	No	No	No	None	No
Submit matter to assembly	<b>I appeal</b> from the decision of the chair	Yes	Yes	Varies	No	Majority	Yes
Suspend rules	<b>I move to suspend the rules</b> which...	No	Yes	No	No	2/3	No
Avoid main motion altogether	<b>I object to the consideration</b> of the question	Yes	No	No	No	2/3	Negative vote only
Divide motion / question	<b>I move to divide the question</b>	No	Yes	No	Yes	Majority	No
Demand rising vote	<b>I call for a division</b>	Yes	No	No	No	None	No
Parliamentary law question	<b>Parliamentary inquiry</b>	Yes (if urgent)	No	No	No	None	No
Request information	<b>A point of information,</b> please.	Yes (if urgent)	No	No	No	None	No

No order of precedence. Introduce only when nothing else pending.

## RENEWAL MOTIONS

<b>YOU WANT TO:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2ND?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>	<b>RECONSIDER?</b>
Take matter from table	<b>I move to take from the table...</b>	No	Yes	No	No	Majority	No
Cancel or change previous action	<b>I move to rescind / amend</b> the motion...	No	Yes	Yes	Yes	2/3 or majority w/notice	Negative vote only
Reconsider motion	<b>I move to reconsider</b> the vote on...	No	Yes	Varies	No	Majority	No