



Presiding Officers and Agendas

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Legislative bodies, including city councils and village boards, are an integral part of the American democratic system of representative government. It is essential then that they function in a manner consistent with democratic decision-making principles of fairness and equal opportunity for all city council and village board members, not just one member or a select few. Those principles must be protected. But by whom?

Most of us have watched or participated in a group discussion where no one seemed to be responsible for managing the discussion. So, it bounced from subject to subject and nothing got accomplished or the discussion was simply inadequate. There must be someone responsible for administering group discussion for it to be consistently effective and fair; for it to be democratic. That responsibility belongs to the presiding officer and begins with the agenda.

A city council or village board presiding officer does not control the agenda of the body. S/he is not the gatekeeper of ideas and does not get to unilaterally decide what subjects the body should or should not discuss. Such control would be an invalid usurpation of the legislative power vested in a city council or village board as a whole, which they cannot divest or surrender to any single member, including a mayor, village president, or any other presiding officer. The presiding officer is in fact responsible for ensuring reasonable access to the agenda-setting process for every member in accordance with any agenda-setting rules.

A presiding officer is obligated to follow the agenda once set, unless the group agrees to change the order of business in it. S/he must announce each agenda item as it arises. This should be done without personal comment and simply offered to the group as noticed for discussion. However, the presiding officer may participate fully in the discussion of an agenda item with the same rights as other members of the group unless limited by rule or law.

If an item ordered for a meeting is not on the agenda a member may “call for orders of the day.” The presiding officer must respond and state that the agenda has been properly set or acknowledge the omission. If an ordered item was omitted from the agenda it cannot be considered at the meeting. The item could be ordered for the next regular meeting, or, if necessary, for a special meeting.

A city council or village board presiding officer does exercise some control over the discussion of agenda items; so long as that control is democratic. The city council or village board presiding officer is empowered to administer the discussion rules of the body, subject to appeal. So, a member who thinks the presiding officer is unfair or incorrectly interpreting a rule of the body may appeal the ruling or administration. If the appeal is seconded, a majority of the members may disagree with the chair’s ruling or action and overturn it.

Future columns will explore and explain some of those discussion rules.

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