



Discussion Rules for Members

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Discussion rules specific to the chairperson or presiding officer were highlighted here last month. This month the spotlight shifts to some of the key discussion rules for all members of a body operating under Robert's Rules of Order.

It must be noted first that the general purpose of discussion rules for meetings like Robert's or others is not to limit or stifle discussion. Yes, there are often attempts by persnickety members to use such rules as a sword against other members or the body under a thinly veiled guise of seeking "compliance" with the rules. But demands for strict "compliance" should never override the general principle that discussion rules exist to support and facilitate fair debate and discussion, not prevent it.

A one-sided discussion is not a debate and is inconsistent with the duty of a presiding officer to recognize and allow discussion from all members of the body without regard to a member's position on the topic. All members of a body who wish to speak on an issue must be provided that opportunity. Moreover, a balanced discussion of opposing views and positions should be the goal of the presiding officer and the body as the means to informed decisions.

The right to speak does not grant a member any right to hurl verbal insults or ramble from topic to topic though. Discussion and debate by every member must be relevant to the specific subject matter under discussion. Any member comments disparaging the character of other members, staff, or others in a discussion are not germane or relevant and are plainly out of order. Likewise, a member should be advised to keep comments and arguments relevant when s/he strays off topic or attempts to turn the discussion to an unrelated matter.

A member's right to speak is not a right to endless discussion or debate either. A body may establish general or case-by-case rules that limit the total time the body will spend discussing an item, the number of times a member may speak on an item, and/or the length of time a member may speak on a particular item. In the absence of such rules, the presiding officer may direct a member to end their comments within a reasonable time subject to appeal of the member to the body.

Ethical conflicts can limit a member's participation rights. A member is obligated to disclose to the body any personal or pecuniary gain s/he may secure from a decision of the body. Such conflicts under Robert's do not bar discussion but they prohibit the member from voting, which may be enforced by the body.

Notably, potential conflicts under the State Ethics Code for Local Government Officials in Wis. Stat. sec. 19.59 do not have to be disclosed to the body by a member and do not automatically prevent the member from participating in discussion or voting but can lead to prosecution for ethics law violations by the district attorney and make decisions void or voidable. Unlike Robert's conflicts, other members of a body and the chair are not authorized to directly enforce possible Section 19.59 conflicts and prohibit voting or discussion by a member for a possible violation. However, if a member does have a 19.59 conflict, the State Ethics Commission does advise that s/he should disclose it for the record, physically remove their self from the discussion (leaving the room is by far the best practice given that moving from a member podium to a seat in a small or nearly empty audience room does not genuinely change the dynamics), and not vote.