



Planning Commission Meeting Agenda

Monday, August 4th, 2025 @ 6:00 PM

Chair: Simon Stricker

City Clerk: Krista Okerman

Commission:

Deputy Clerk: Cassandra Delougherty

Joby Goerges

City Attorney: Brad Person

Roman Siltman

Victor Procuik

Corey Derksen

City of Jenkins
33861 Cottage Avenue
Jenkins, MN 56474
(218) 568-4637

Join Zoom Meeting
<https://zoom.us/join>
Meeting ID: 353 029 2895
Password: 56474
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NOTE: Printed materials relating to agenda items are available for public inspection in a three-ring binder on table by Council Chamber entrance.

INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER

1. Call to Order – Pledge of Allegiance
2. Roll Call
3. Approval
 - a. Agenda
 - b. Minutes from the July 7th, 2025 Planning Commission meeting and Public Hearings
4. New Business
 - a. Agricultural Zoning District Lot Size & Impervious Coverage Limits
 - b. Robert's Rules of Order and Rules for Public Comment
5. Unfinished Business
 - a. Cargo Containers and City Code Chapter 91: "Nuisance Parking & Storage"
 - i. Portions of code related to this agenda item from Crosslake MN
6. Miscellaneous/Communication
 - i. Learning Opportunities available to Commissioners
7. Adjournment

July 7th, 2025 Planning Commission Meeting & Public Hearings

Meeting minutes

Call to Order – Pledge of Allegiance

The meeting was called to order by Chairman Stricker at 6pm.

Roll Call

Chairman Stricker, Commissioner Goerges, Siltman, and Prociuk were present, as well as Deputy Delougherty.

Approval of Agenda and Meeting Minutes.

Motion to approve the agenda made by Goerges, seconded by Siltman. All voted aye.

Motion to approve the May 5th and June 4th meeting minutes made by Goerges, seconded by Siltman. All voted aye.

Public Hearings

Public Hearing: Conditional Use Application-Ryan De La Pena, for a Home Occupation: Type IV in the Urban Residential (R-2) Zoning District

The public hearing was opened at 6:02pm for the conditional use application of Ryan De La Pena for a Home Occupation: Type IV in the Urban Residential (R-2) Zoning District was opened.

A resident who owned a rental property near the applicant's property expressed concerns about noise issues. He stated that he had spoken to the applicant multiple times about keeping the noise down, but no attempts were made to address the issue. The resident argued that such businesses should be located in industrial parks due to the noise they generate.

Ryan De La Pena, the applicant, explained that he runs a landscape maintenance and tree service company from the property. He stated that he has one employee and loads up mowers once a week, with most of the work being done off-site. De La Pena mentioned that he had put up a storage container to block noise and had done everything he could to mitigate the issues.

The discussion between the applicant and the neighbor revealed ongoing disputes about noise levels, particularly regarding the running of diesel trucks and equipment. The neighbor claimed that De La Pena deliberately made more noise when he saw them outside.

The Public Hearing was closed at 6:07pm.

The Planning Commission members discussed the nature of the complaint, noting that it seemed to be more of a personal dispute between neighbors rather than a zoning issue. They acknowledged that the noise from diesel trucks and equipment was not necessarily related to the business operation and could occur with personal vehicle use as well.

The Commission members debated the merits of approving the conditional use permit, considering that denying it would not necessarily address the noise concerns raised by the neighbor. They discussed potential conditions, such as adding a fence to help mitigate noise. After deliberation, a motion was made to approve the conditional use permit with staff recommendations.

Goerges made a motion to approve the conditional use permit for Ryan De La Pena with staff recommendations. The motion was seconded by Siltman. The motion passed unanimously.

Public Hearing: Ordinance Amendment 0-25-43 Amendment Regarding Cannabis & Hemp Regulations, to adopt Chapter 113 Regulation of Cannabis and Hemp Businesses

The Commission opened the public hearing at 6:24pm for Ordinance Amendment 0-25-43 regarding Cannabis & Hemp Regulations.

Several members of the public spoke on the issue:

- Trenton Beyer, mentioning his longstanding ties to the community through living in the area, his father building AmericaInn, Wild Wedge Golf and RV Park, as well as playing a major role in the inception of the Jenkins Ball Field expressed support for limiting cannabis licenses to micro businesses. He mentioned that the intention of Jenkins has never been to have chain businesses, as the City has preferred the small-town feel and 'mom-and-pop shops.' He proposed allowing two micro businesses with \$3,000 renewal fees and 1% of profits going to city nonprofits. Mr. Beyer also expressed that the current Colorado operation that they own is in the top 10% of the state for quality.
- Richard McClary voiced concerns about the negative impacts of cannabis use and its potential effects on the community, including impaired driving and decreased property values. He feels that cannabis is addictive and causes users to become lazy and listless, and that they do not help or volunteer in the community.
- John Lubke, a former mayor, suggested considering municipal-owned dispensaries and limiting the number of licenses to one, in line with other nearby cities, noting that the League of Minnesota Cities has a great webinar available to help local governments wrap their heads around adopting a Cannabis Ordinance.
- Julie Hastings, owner of MN Roots, spoke regarding provisional licenses already being approved by the state.
- Donna Bowen expressed concerns about the location of potential cannabis businesses near residential areas and that she already has to contend with a sober house.
- Cassandra Fox shared her experience as a former mayor in a Colorado town, describing how cannabis businesses positively impacted the local economy and community services.
- Drake Beyer emphasized the importance of micro businesses and local control, suggesting that cannabis should be treated similarly to alcohol regulations. He and Trenton Beyer would like to start a "Farm to table" style of operation, indicating that bringing awareness and understanding by providing tours could be beneficial in an effort to educate individuals regarding the process. This way they can see and know that the product is pure.

- Mark Miller, Jenkins Avenue, spoke directly to the Beyers, asking why they don't start a Co-op and sell ancillaries and the like. He stated that the 1% kick-back to the City that the Beyers were promoting sounded more like a bribe than anything else.
- Jerimey Flategraff, Brown Blvd, Council member said that his opinion was that issuing four licenses is too many. He would like to see one license approved and to revisit and potentially revise the ordinance to allow more licenses at a later date after we know more about how everything works.
- Rosanne Carboni, Cty Rd 15 is not opposed to allowing retail licenses, her concern is simply with where they will be located. She indicated that she uses gummies to sleep each night and would likely be one of the first customers at a retail location. Again, her concern is with where the operations will be located.
- Buck McElpin, former board member of Leaf Line Labs who lobbied at the state and has been part of many research projects gave a few statistics to note. He mentioned that marijuana is a \$1.3B industry in the State of Minnesota. People will still have access to marijuana regardless of whether the City allows licenses, but this will help to regulate it. He expressed that the State of Minnesota is one of the highest for opioid deaths, and that there have been more batches being laced with fentanyl, which is very dangerous. He stated that studies have proven that as well as a decline in adolescent usage in states that have legalized recreational marijuana, that opioid deaths have drastically decreased, explaining that this is a very positive benefit to allowing recreational marijuana consumption.
- Again, Jon Lubke asked the Commission to consider a private/public partnership to help provide the City with funds that wouldn't be available otherwise. He said that his thoughts are to leave the licenses at allowing only one and to further research a Municipal partnership venture.

The Public Hearing was closed at 6:54pm. The Commission discussed various aspects of the proposed ordinance, including:

- The number of licenses to be issued (initially proposed as four, later reduced to two or one)
- Hours of operation
- Location restrictions
- The potential for municipal ownership or public-private partnerships
- The economic impact on the city

After extensive discussion and public input, the Commission decided to reduce the number of licenses from four to one and to align operating hours with those of liquor stores.

Motion to table for further information made by Prociuk, no second. Motion died.

Motion to approve the Ordinance with allowing 2 licenses was made by Goerges, no second. Motion died.

Siltman made a motion to approve the ordinance amendment with the change to allow one cannabis retail license. The motion was seconded by Goerges. The motion passed unanimously.

Unfinished Business

Ordinance Amendment 0-25-XX 'Nuisance Parking & Storage'

The Commission discussed proposed changes to the Nuisance Parking & Storage ordinance. Key points of discussion included:

- Removing references to fish houses and playhouses from the list of structures not allowed in front yards.
- Clarifying regulations for storage containers on residential lots.
- Considering lot size requirements for allowing storage containers.
- Discussing the possibility of using conditional use permits or performance standards for regulating storage containers.

The Commission decided to table the discussion and requested more information on:

- Lot sizes that other cities allow for storage containers
- Performance standards used in other cities
- Potential conditional use permit requirements

Miscellaneous/Communication

The Commission also discussed a separate issue regarding impervious surface coverage in agricultural zones. They noted a discrepancy in the current ordinance where single-family residences are allowed 10% impervious surface coverage, while other uses are limited to 5%. The Commission requested more information on the history and rationale behind this difference.

No formal motion was made on this item, as the Commission decided to continue the discussion at a future meeting after gathering more information.

Adjournment

Motion to adjourn made by Commissioner Goerges, seconded by Prociuk.



AGENDA ITEM #

4a

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty
Date: July 28th, 2025
Subject: Agricultural Zoning District Size and Impervious Coverage Limits

Report: In the July Planning Commission Meeting, the Agricultural Zoning District Size and maximum impervious coverage limits were discussed.

Current Jenkins Code:

§ 150.026 AGRICULTURAL DISTRICT (AG).

(A) *Purpose and intent.* This district is intended to preserve areas for low intensity use such as forestry, pasture, and cropland, low density residential development zone for future higher intensity uses when infrastructure is made available.

(B) *Lot, use, and density requirements.*

| | <i>One-Family</i> | <i>Other Uses</i> |
|---|-------------------|-------------------|
| Building height maximum | 30 feet | 30 feet* |
| Front yard minimum | 50 feet | 50 feet |
| Lot area minimum | 10 acres | 10 acres |
| Lot width minimum feet | 150 feet | 500 feet |
| Maximum lot coverage | 10% | 5% |
| Rear yard minimum | 30 feet | 30 feet |
| Side yard minimum | 30 feet | 30 feet |
| Note to table: | | |
| * Silos, barns, and other agricultural buildings shall be exempt from the height requirements as long as they do not conflict with other area requirements. | | |

Requested Action: Please review and discuss the current Chapter 150.026 (B) regarding Lot Area Minimums and Lot Coverage Maximum for the Agricultural Zoning District, review attached research from surrounding areas, as well as farming communities across the state, and determine if the Commission would like to make a recommendation for an Ordinance Amendment. If further research or information is required, please direct staff.



Crow Wing County:

12.2 DENSITY AND DIMENSIONAL STANDARDS

- A. All lots, structures, and uses permitted in the Agricultural/Forestry District shall meet the following density and dimensional requirements:

| Table 12.1 Lot Size, Width, Setback and Height Standards for the Agriculture/Forest District | | | | | | |
|--|------------------|-------------------|-----------------------------|---------------------------|-----------------|------------------|
| District | Minimum Lot Area | Minimum Lot Width | Structure Lot Line Setbacks | Road Right-of-Way Setback | Wetland Setback | Structure Height |
| Ag/Forest | 35 acres | 330' | 10' | 35' | 15' | 35' ** |

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards.

- B. **Lot fronting on two roads.** Where a lot is located at the intersection of two or more roads or highways, structures shall meet required setbacks from both roads.
- C. **Maximum impervious surface coverage:** The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.

| Table 41.3 Non-Shoreland Impervious Surface Limits | | |
|---|----------------------------|---|
| Development or Use | Maximum Impervious Surface | Applicable Area |
| Residential lots | 25% | Total lot area |
| New Conservation Developments with stormwater plans as per Article 41.3* | 40% | Entire portion of project area not in shoreland |
| Existing Planned Unit Developments with stormwater plans as per Article 41.3* | 75% | Average dwelling unit lot |
| Resort with stormwater plans as per Article 34.8 | 40% | Total project area and any tier |
| Commercial with stormwater plans as per Article 16.3 | 60% | Total lot area |

*Provided that a minimum of 50% of the total project area is common open space.

Cass County:

1125.2 Lot Standards for Non-Shoreland Classifications

Table 7: Non-Shoreland Lot Standards

| Zoning Classification | Min. Lot Area (acres) | Min. Lot Width (ft) | Max. Lot Impervious Coverage (%) |
|-------------------------|-----------------------|---------------------|----------------------------------|
| Rural Residential – 1 | 1.0 | 150 | 40 |
| Rural Residential – 2.5 | 2.5 | 200 | 25 |
| Rural Residential – 5 | 5.0 | 300 | 20 |
| Rural Residential – 10 | 10.0 | 300 | 15 |
| Rural Residential – 20 | 20.0 | 300 | 10 |
| Agricultural/Forested | 40.0 | 300 | 5 |
| Commercial 1 and 2 | 2.5 | 300 | 60 |



AGENDA ITEM # 4a

Pequot Lakes, MN

Agricultural Zoning District

Lot, Use and Density Requirements.

Lot Width - feet, minimum.....500

Total Lot Area - acres, minimum.....20

Setback, right-of-way, local streets - feet, minimum....50

Setback, right-of-way, collector and arterial streets - feet, minimum.....50

Setback, side - feet, minimum.....25

Setback, corner side - feet, minimum.....40

Setback, sign - feet, minimum...1

Setback, wetland - feet, minimum.....30

Maximum impervious coverage..... 10%

Non-Agricultural Use Structure Height – feet, maximum..... 25

Agricultural Use Structure Height – feet, maximum.....none

Maximum Flag Pole Height – feet... 30

Maximum animal unit per acre.....4

Other Farming Communities:

Otsego: 20 acres 25%

Dayton: 40 acres 10%

Hanover: 10 acres 30%

Wright County, MN

15% buildings

25% total impervious



AGENDA ITEM #

4b

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty
Date: July 28th, 2025
Subject: Robert's Rules of Order and Rules for Public Comment

Report: Per the request of the Planning Commission Chairman Stricker, I have provided a quick study of Robert's Rules of Order, as well a cheat sheet of Robert's Rules. Though the City of Jenkins has not officially adopted Robert's Rules of Order, the City strives to utilize these rules as guiding principles for conducting orderly meetings.

Attached is a copy of the City of Jenkins Rules for Public Comment. Though the rules reference City Council specifically, the same rules apply for the Planning Commission meetings.

Requested Action: Please take time to review this guide and cheat sheet, and retain them for future reference. Also, please discuss if the Commission would like to take time in a future meeting to review the above listed webinars and courses.

ROBERT'S RULES

 of ORDER *QuickStudy*


Introduction

- Published in 1876, *Robert's Rules of Order* was originally written by U.S. Army Brigadier General Henry Robert
- Robert wanted to write a manual for parliamentary procedure after presiding over a church meeting for which he felt he was woefully unprepared
- In his work, Robert discovered that people from different regions of the country have different ideas of parliamentary procedure, resulting in organizations focused more on the procedure and less on the substance of their work
- As a result of his *Rules of Order*, people could belong to many organizations without needing to learn new procedural rules at every new organization

• *Robert's Rules of Order* are based on those used in the U.S. House of Representatives (*Jefferson's Manual*), but adapted for smaller organizations and societies

NOTE: "Parliamentary law" is not actual law in the sense that it is not codified or used in a court proceeding; instead, "parliamentary law" and *Robert's Rules of Order* should be seen less as binding on an assembly and more as a set of strong guidelines an assembly can mold to its own needs

Robert intended his *Rules of Order* to be adopted by organizations, assemblies, and clubs to use as their parliamentary, or procedural, authority; following the procedures for adopting bylaws then, these *Rules of Order* become binding upon the organization to establish its procedural rules of order

Preliminaries

Kinds of Assemblies

Deliberative assemblies convene meetings; they are groups of people who come together with a common agenda: *the meeting*; the different types of deliberative assemblies are:

- **Mass meetings:** Open and unorganized meetings with a purpose defined by the meetings' sponsors (e.g., political or social rallies)
- **Conventions:** Meetings of delegates chosen to enact or debate decisions affecting a large group of people (e.g., the meetings by political parties to choose their nomination for the U.S. presidency)
 - **Legislative bodies:** Lawmaking bodies chosen by a group of people for a fixed period of time (e.g., Congress)
- **Boards:** Administrative or managerial bodies with an assigned, specific function (e.g., a Board of Trustees of a university)
- **Committees:** Bodies that are usually very small and subordinate to an assembly or board (e.g., a congressional committee)

Mass Meetings

A special kind of meeting that is publicized and open to the public is a *mass meeting*; it usually takes on a "town hall meeting" format; to prepare for a mass meeting, the sponsors must:

- Choose who they prefer as a chairperson
- Choose who calls the meeting to order and nominates the chairperson
- Choose who should be nominated for secretary and by whom
- Decide the rules that will be proposed for the meeting
- Choose who makes the initial speech opening the meeting and explaining its purpose

To conduct business, the assembly at the meeting should adopt *resolutions*; these resolutions may be drafted before the meeting, or the assembly can appoint a committee to draft the resolutions at the meeting



Conventions

A *convention* is an assembly of *delegates*, or representatives of the assembly or constituency, sitting as a single body and acting in the name of the larger group; an assembly may call a convention any time the bylaws authorize the assembly to call one; the bylaws that govern a convention should outline:

- The authorization for a periodic convention
- The powers and duties for the convention and the delegates
- The quorum for the convention
- The voting members
- Qualifications for the delegates and alternates and their election
- Anything the convention needs for its organization and operation

A *caucus* is a meeting the delegates hold before the actual convention where they decide how they will deal with certain procedural matters of the convention. Planning a convention requires a lot of preparation that usually starts months in advance; the established society should create committees for the convention to help organize the convention; usually the organization needs:

- A **credentials committee**, which performs the following duties:
 - Distributes information for attending the convention
 - Distributes information for being a delegate
 - Examines all applications to verify the eligibility of the members who wish to be delegates
 - Compiles the list of eligible members
 - Arranges for registration to take place at the convention, usually starting one or two days before the convention starts
 - Handles registration
 - Prepares the committee's first report
 - Continues until the convention ends
- A **committee on standing rules**, which drafts rules for the convention, including:
 - Parliamentary rules
 - Rules for conducting business at the convention
 - Any other non-parliamentary rules that the committee feels should be added
- A **program committee**, which plans the schedule of meetings, proceedings, and convention events
- A **convention arrangements committee**, which makes the arrangements for the site of the convention and any hotel arrangements for the members
- A **resolutions committee**, which screens all the main motions that are about to come in front of the convention

Legislative Bodies

A *legislative body* is a constitutionally established public body of representatives chosen by an electorate for a fixed term of office, charged with making laws; each legislative body is specific to its own laws, procedural rules, and decorum; therefore, *Robert's Rules of Order* does not delve into the parliamentary procedure of legislative bodies

Boards & Officers

A *board* is the administrative and judicial body of the assembly with the power to act on behalf of the organization; usually the members of the board are elected or appointed

Officers are leaders of an assembly and are usually elected; there are three main officers that are essential to an organized group, especially a large group:

- **President or chairperson**, although if the president is acting as the chairperson for the meeting, he/she is referred to as the chairperson
- **Vice president**, who serves as the president or chairperson, if needed
- **Secretary**, who keeps the minutes (or notes) of each meeting and is the records keeper for the assembly

The president or chairperson has many important duties in running the meetings and the assembly; they include:

- Opening a meeting on time and calling it to order
- Announcing the order of business and keeping to the stated order
- Recognizing members to speak on the floor
- Keeping tabs on voting procedures and announcing the legitimate results of each vote
- Refusing to honor frivolous motions and ensuring that all members act with decorum
- Handling business in the most efficient way possible
- Deciding questions of order and responding to members' questions about parliamentary procedure
- Authenticating his/her signature
- Properly adjourning the meeting

Committees

Committees, or bodies of one or more elected or appointed people who consider, investigate, or take action on specific matters, can take many forms:

- **Ordinary committee:** A small number of people to whom the assembly gives a specific task, such as the Senate Judiciary Committee, which is charged with vetting Supreme Court candidates
 - **Committee of the whole:** A whole assembly charged with acting as an ordinary committee; this is usually used only in larger legislative assemblies, when a motion to commit passes
 - **Standing committee:** Committees that continue to exist, such as a committee created by the bylaws
 - **Special committees:** Committees that stop existing when they finish the task they were assigned; an example is the Watergate committee, which investigated President Nixon
- Committees are created through the bylaws or through a main motion; there are various methods of appointing or electing members to the committee:
- **Election by ballot**, where the assembly nominates the committee members and votes according to a ballot

- **Nominations from the floor**, where the assembly nominates the committee members without the secrecy of ballot voting
 - **Nominations by the chair**, if the chairperson has special knowledge and judgment about the committee's tasks
 - **Appointment by adoption of a motion naming members to a committee**, where the assembly adopts a motion to create the committee that includes the committee members' names
- Committee meetings follow the same parliamentary procedure as do the larger assembly meetings, including the rules outlined in the bylaws

Committee of the Whole

A **committee of the whole** and its alternate forms are procedural devices that allow the full assembly to consider a matter deeply as a committee would

- A **committee of the whole** is usually used in larger assemblies; any voting results are used as recommendations to the assembly and not as a final decision of the assembly

- A **quasi-committee of the whole** is usually used in medium-sized assemblies; the voting operates the same as in a committee of the whole, except that the chairperson of the assembly remains as the chairperson of the committee
 - **Informal consideration** is best suited for a small assembly; it lifts the formal speaking and debating requirements
- Even though a committee of the whole (or quasi-committee of the whole) acts like the general assembly, important exceptions include:
- Committees of the whole cannot create subcommittees or comment on another committee's work
 - Appeals from the decision of the chair must be directly voted on
 - Debate can be closed or limited by the assembly only before going into committee of the whole
 - Committees of the whole cannot order roll call or ballot votes
 - Committees of the whole cannot impose disciplinary measures; they may only report the facts to the assembly
 - Committees of the whole cannot adjourn or recess

NOTE: Permanent Society = Club = Organization = Assembly; *Robert's Rules of Order* uses these terms interchangeably

Starting a Permanent Society

Organizing a **permanent society** starts much the same way as a mass meeting, but the invitations are limited to interested people; anyone may organize a permanent society, and the organizer should choose the interested people to begin the organization; at the first organizational meeting, the proposed members should accomplish these tasks:

- Elect temporary officers
 - Adopt a resolution to form an organization or society
 - Provide background information for the organization or society
 - Give opinions as to the direction the organization should take
 - Introduce and adopt a motion to form a committee to draft bylaws
 - Introduce and adopt a motion to fix the meeting dates and times for the report of the bylaws committee
 - Introduce and adopt a motion authorizing the bylaws committee to reproduce copies of the complete draft for everyone
- At the second organizational meeting, the members should:
- Read and approve the minutes from the first meeting
 - Receive the report from the bylaws committee
 - Read each article and section from the bylaws
 - Vote to adopt the bylaws
 - Decide the date and time for the next meeting

Combining or Ending Organizations

- When two existing organizations wish to combine, they may **merge**, where one organization loses its independent identity, or **consolidate**, where each organization keeps its independent identity, and they form a new organization to absorb the two organizations' assets and liabilities
- When an organization ends, it **dissolves**; an incorporated organization must dissolve according to the laws of the state in which it is incorporated, through a resolution

Procedural Rules & Bylaws for All Types of Organizations

Assemblies and organizations need **procedural rules** to guide parliamentary procedure; the different kinds of rules assemblies and organizations can adopt are:

- **Corporate charters:** Legal instruments needed for incorporating an assembly or organization under the laws of a particular state
 - **Constitution/bylaws:** A society's own basic rules for itself as an organization, such as its name, purpose, and committees
 - **Rules of order:** Rules of parliamentary procedure for running ordinary business while in meetings
 - **Standing rules:** Rules for the administration of the organization instead of parliamentary procedure
- Bylaws** are the rules that the organization uses for its own administration; usually an organization appoints a committee to draft the bylaws before implementation; the basic way to structure bylaws is:
- **Article 1 – Name:** Describes the name of the organization if not already done in a corporate charter or constitution
 - **Article 2 – Object:** Describes the society's objective and the reason behind its creation
 - **Article 3 – Members:** Describes the different types of members, qualifications for membership, and any dues or fees that must be paid
 - **Article 4 – Officers:** Describes the offices, their duties, and how the officers will take their office
 - **Article 5 – Meetings:** Describes the dates and times for regular meetings or how the assembly will schedule meetings
 - **Article 6 – Executive Board:** States which offices are included in the executive board, delineates the powers of the board, and describes any rules for the board to conduct its business
 - **Article 7 – Committees:** Establishes standing committees as well as their functions and procedures
 - **Article 8 – Parliamentary Authority:** Describes the process through which the organization adopts its rules of order
 - **Article 9 – Amendment of Bylaws:** Describes the procedure for amending the bylaws

Organizations may always add additional articles if needed to describe the duties of officers, financial obligations, etc.

Amending Bylaws

Bylaws are amended through the main motion **amend something previously adopted**; the procedure for raising the motion is the same as any other motion except:

- The bylaws may specify any special rules for the motion's adoption, although the bylaws must include notice and a two-thirds vote for adoption of the amendment
- The notice of the motion for amendment must limit the permissible primary and secondary amendments
- The organization cannot reconsider affirmative votes on the motion to amend the bylaws
- Even though the motion is a main motion, other main motions may be pending at the same time for changes to the bylaws

Depending on the length of the bylaws, the organization amends them through:

- **Isolated changes**, made by motion, could include multiple changes in one motion
- **General revisions**, made by substituting a whole new revised set of bylaws if the revisions are extensive enough

The procedure for considering many amendments at one time is the same as amending a motion by seriatim, or by paragraph:

1. The assembly is given notice of each individual amendment, even if two or more are competing
2. The chairperson organizes each amendment as though the assembly were to fill in the blanks of the bylaws
3. The chairperson reads the first submission, and it is explained by its proponent
4. The chairperson then asks if there is any debate on the amendment
5. Once debate has ended, the assembly votes on the amendment
6. Once all amendments have been voted upon, the chairperson opens the entire document for amendments, and the process starts over if needed
7. Once all amendments are made and included, the chairperson presents the amended rule and asks for a vote for the entire document
8. The assembly votes on the entire document

Amendments to bylaws take effect immediately upon adoption; the bylaws should specify the margin by which an amendment must win

Procedures for Conducting a Meeting

Major vocabulary terms for meetings:

- A **meeting** is an assembly of members in a single room to conduct business
- A **session** is a series of connected meetings for a single order of business or agenda

- A **recess**, taken in the middle of a meeting, is a short break having no effect on the business of the meeting, after which the meeting is resumed where it left off

- An **adjournment** ends a meeting

- An **adjournment sine die** ends a session or a series of meetings

The assembly and its bylaws decide how many meetings and sessions to hold and their frequency; when a meeting ends, the assembly should decide when and where to hold the next meeting

Assemblies must finish any pending business before adjourning a session; the assembly in the following session is not tied to any business that was not discussed in the previous session

There are different types of meetings an assembly can hold:

- A **regular meeting** is a meeting held on the date and time specified in the bylaws to discuss any business that arises within the scope of the assembly

- A **special meeting** is a meeting that is not held at the regular time and date to deal with urgent business that cannot wait until the following regular meeting

- An **adjourned meeting** is one that continues the previous session or special meeting, taking up the business that was interrupted at the adjournment of the last meeting

- An **annual meeting** is a meeting held once each year, usually to give the various reports of officers and committees

- An **executive session** is a secret meeting for executive business

- A **public session** is the opposite of an executive session and must be open to the public, even if the public is not a member of the assembly

Starting a Meeting

To start a meeting, the chairperson of the meeting must **call the meeting to order** by taking his/her position (usually at the front of the room) and saying, "The meeting will come to order"; once the chairperson calls the meeting to order, the meeting can begin on the **order of business**; this order is usually:

1. Reading and approval of minutes
2. Reports of officers, boards, and committees
3. Reports of special committees, or committees appointed to exist for a specific task
4. Special orders, or business that has a special priority, such as committee reports left over from the previous meeting
5. Unfinished business and general orders, or business left over from the previous meeting
6. New business

Meeting business is usually handled with **motions**; to bring a motion before the assembly, the steps are:

1. The member must be recognized by the chairperson, usually by standing and waiting to be called upon
2. He/she then makes the motion by saying, "I move to..."
3. Another member seconds the motion, saying, "Seconded"
4. The chair repeats the motion; at this time, the motion is **pending**, or open to discussion

Motions usually made at the beginning of meetings are:

- **Call for the orders of the day**, in which the assembly adopts its agenda or order of business
- **Fix the time to which to adjourn**, where the assembly decides when the meeting will end and sets a time for the next meeting

Minutes

The **minutes** are the record of the meeting's procedures and what was accomplished at the meeting; minutes generally include:

- The name of the assembly and the kind of meeting
- The date and time of the meeting
- Who was present at the meeting and who operated as the chairperson
- The approval of the previous meeting's minutes, if needed
- All main motions, their topics, and who proffered them
- Whether the main motions were approved or denied and the number of votes for each side
- All secondary motions when needed for clarity or completeness
- All notices of motions
- All points of order and appeals and their dispositions
- When the meeting adjourned

Reports

Reports of officers are reports of an officer's administrative duties; examples of these reports include:

- **Reports of executive officers**, which usually contain information or recommendations for actions
- **Treasurer's reports**, which report on the financial state of the organization
- **Reports of other officers**, which are usually made annually and for informational purposes only

Reports of boards and committees are official statements formally adopted by the body as information for the assembly (e.g., a report of the committee for drafting the bylaws would include drafts of the bylaws); the reports must contain only information that has been legally agreed to in the board or committee meeting

Quorum

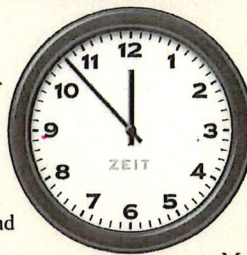
To hold a meeting and conduct business, there must be a **quorum**, or a certain number of members present, at the meeting; the number is usually a percentage of the total members and can be fixed by the assembly or by rules

If a quorum does not exist at a meeting, the meeting must immediately adjourn, as all business completed without a quorum would be illegal

Decorum in Debate

Once there is a quorum and the chair calls the meeting to order, members can be recognized for motions:

1. To obtain the floor, the member must stand and address the chairperson by saying, "Mr./Madam Chairperson"
2. The chairperson recognizes the member by saying the member's name
3. The member may then introduce a motion for **debate**; the general rules of debate are:
 - The speaker must be recognized by the chairperson before speaking
 - The speaker cannot usually speak for more than ten minutes unless the members decide otherwise



- Members should not speak more than twice on a motion
- The chairperson cannot close debate before every member who wishes to speak is able, within a reasonable period of time
- Everyone must adhere to **decorum**, carrying on the debate in an orderly manner without personal attacks on other members

Members can adhere to decorum by:

- Confining their statements and remarks to the merits of the pending question and not outside the scope of the question
- Not attacking a member's motives for speaking for or against or presenting a motion
- Addressing all statements and remarks through the chairperson
- Addressing the speaker or the chairperson correctly (never use "you," but always refer to the speaker or the chairperson in the third person)
- Avoiding the use of members' names
- Not speaking adversely on a prior action that isn't pending and has already been finalized
- Refraining from speaking against his/her own motion
- Reading from reports or quotations only without objection or with permission; a member may read from reports or quotations with the chairperson's permission as long as no other member objects
- Continuing to stand when the chairperson addresses him/her directly during an interruption
- Refraining from disturbing the assembly during debate

The chairperson has guidelines for decorum as well:

- The chairperson always refers to him/herself in the third person
- When reporting in his/her presidential capacity, the chairperson may speak of him/herself as "Your President"
- The chairperson does not refer to a member's name, only referring to him/her in the third person (e.g., "Will the speaker...")
- The chairperson may refer to a member by name when assigning the floor, however
- The chairperson must not participate in the debate except through the vice president

Recognition Preference

The preference rules for recognizing a member when there is a debatable question pending on the floor are:

1. A member can stand to give previous notice of a different motion
2. The member who presents the motion and who has not yet spoken on the motion, including:
 - The reporting member's motion to implement a recommendation from a committee report
 - The member who moved to un-table a motion that was previously laid on the table
 - The member who made a motion to reconsider
3. Members who have not yet spoken on the question; if everyone who wishes to speak on the question has, members may speak again

4. The chairperson should recognize alternating opinions on the question or motion

The preference rules for recognizing a member when there is no debatable question pending on the floor are:

1. A member assigned to offer a motion or an important prearranged main motion
2. When a set of motions is presented in a series, the member presenting the motions has preference to present each motion in turn
3. A member who offers a similar motion to one that the assembly voted down at the member's suggestion
4. A member may be recognized over a member offering a main motion when a member rises:
 - To move to reconsider and enter on the minutes
 - To move to reconsider a vote
 - To call up a motion to reconsider
 - To give previous notice
 - To move to un-table an issue

Members cannot interrupt each other, except in some urgent situations:

- A call for the orders of the day when they are not followed
- Raising a question of privilege
- Raising a point of order, brought by a member who believes the chair has breached the parliamentary rules
- The chair calling to a member's attention that he/she is not observing the speaking rules
- Calling for a separate vote on a set of resolutions on different subjects that were included in one motion
- A request that requires an immediate response
- An appeal
- An objection to the consideration of a question
- A division of the assembly

At the end of the interruption, the member who had the floor regains it when the chairperson asks him/her to stand to regain his/her position on the floor

Assemblies may set their own rules for debate in their bylaws; some general guidelines that assemblies should use when creating their debating rules are:

- Speeches should be no longer than ten minutes each
- The member speaking should immediately conclude his/her speech when the chairperson rises
- If the member needs only a minute more for his/her speech, the chairperson need not dismiss the member immediately
- No member should speak more than twice per question per day
- Members are not allowed to yield their unelapsed time to another member to allow one member a particularly long speech
- Merely asking a question or making a brief suggestion is not speaking in debate and should not be counted against a member for his/her daily speech limit

Motions

Main Motions

Original main motions are motions that bring a substantive question to the assembly for debate and action; these are different from **incidental main motions**, which are motions dealing with the procedure of the assembly, like the **call for the orders of the day** motion

Characteristics of main motions:

- Every other motion takes precedence over the main motion
 - Main motions cannot be applied to any other motions
 - They must be seconded
 - There can be only one main motion on the floor at a time
 - They are debatable, amendable, and can be reconsidered
 - They mostly require a majority vote
- After a member brings a motion to the assembly, the assembly must either consider the motion or dispose of the motion; to fully consider a motion:
- The assembly debates the motion, unless no one in the assembly wants to debate the motion
 - The chairperson puts the motion to a vote
 - The chairperson announces the results of the vote

10 Easy Steps for Making Motions

1. The member asks permission from the chairperson for the floor
2. The chairperson grants permission
3. The member makes the motion, stating, "I move to..."
4. The chairperson asks for any seconds
5. Members may stand and call out "Second," or they may simply call out "Second"; if there is no second, the motion fails immediately
6. If there is a second, the chairperson states the question of the motion; this opens debate
7. The assembly debates the motion; during this time, the motion may be amended or tabled for further debate at a later time
8. When debate is finished, the chairperson puts the motion to a vote
9. The chairperson counts the votes
10. The chairperson announces the votes and enacts or defeats the motion

Subsidiary Motions

There are different types of motions; **subsidiary motions** deal with the original main motion, such as:

- **Postpone indefinitely**, which kills the original main motion without a direct vote on it
- **Amend**, which modifies something in the main motion before the assembly acts on the motion (**NOTE:** The assembly must agree to amend the motion and then agree on the amendment before the amendment can be thought of as the main motion)
- **Commit or refer**, which assigns the motion to a committee for investigation or a report
- **Postpone definitely**, which puts off the question until an expressed time
- **Limit or extend debate**, which either shortens or lengthens the time for debate on a motion if the assembly needs it
- **Previous question**, which closes debate and amendments, bringing the assembly to a vote on the motion
- **Lay on the table**, which interrupts the current business to introduce urgent business immediately

Subsidiary motions have four characteristics that make them subsidiary:



- These motions always apply to motions and do something to them, or change their status
- They may be applied to any main motion
- They fit an order of preference (as listed previously)
- They may be applied at any time from the point when the chairperson states a question upon which they may be applied to the time when the question is voted upon

Privileged Motions

Privileged motions do not relate to any business, but they take precedence over everything else in the assembly; these motions include:

- **Call for the orders of the day**, which need not be seconded
- **Raising a question of privilege**, which permits an emergency motion or question dealing with the rights and privileges of the members
- **Recess**, which gives the assembly a short break
- **Adjourn**, which closes the meeting
- **Fix the time to which to adjourn**, which sets the time for the meeting to end

Privileged motions are privileged because they take precedence over debate to deal with urgent procedural matters; they take the order of preference as listed previously

Incidental Motions

Incidental motions do not necessarily relate to business but answer questions of procedure with regard to motions; they are in order only when they are legitimately incidental to another pending motion or to other business at hand, at which point they take precedence over any other pending motions; they must be decided before business can continue; these motions include:

- **Point of order**, which asks the chairperson for a ruling and enforcement of the rules when a member thinks the rules were broken, which need not be seconded
- **Appeal**, which takes away a decision from the chairperson and gives it to the assembly if a member thinks the chairperson's decision was wrong
- **Suspend the rules**, which suspends the rules when the assembly wants to do something it cannot do without breaking the rules
- **Objection to the consideration of a question**, which avoids a main motion if the assembly thinks the motion should have never come before it
- **Division of a question**, which separates different parts of a question or motion that can stand on their own
- **Consideration by paragraph or seriatim**, which permits debate on different parts of a long motion or question without putting the different parts into question
- **Division of the assembly**, which requires the chairperson to take a vote by each member rising to give his/her vote

• **Motions relating to nominations**, which must be raised if the bylaws do not outline mechanics for nominations and an election

• **Request to be excused from duty**, which relieves the member from an obligation he/she holds

While the incidental motions look like subsidiary motions, none of the incidental motions has all four characteristics of the subsidiary motions; it should be noted that each incidental motion is applicable only in the specific period of time in which it is raised; generally, incidental motions deal with procedural questions arising out of:

- Another pending motion
- Another motion or business item that:
 - The motion attempts to introduce
 - Has been made but not yet repeated by the chairperson
 - Was just pending

Requests and inquiries are special types of incidental motions that connect to the business at hand; they include:

- **Parliamentary inquiry**, which directs a question on parliamentary procedure or the organization's rules to the chairperson, which need not be seconded
- **Point of information**, which requests information from the chairperson about the matter at hand, which need not be seconded
- **Request for permission to withdraw or modify a motion**, which asks the chairperson for permission to withdraw or modify a motion already stated by the chairperson
- **Request to read papers**, which asks the chairperson for permission to read excerpts from his/her papers, which is not usually allowed in debate

Motions That Bring a Question Again Before an Assembly

Motions that bring a question again before an assembly are special motions that do not fit anywhere else; they include:

- **Take from the table, or un-table**, which takes up a motion or an order of business that was earlier laid on the table
- **Rescind**, which takes back a main motion, amendment, bylaw, section, or paragraph that was presented and adopted
- **Amend something previously adopted**, which modifies a motion, amendment, bylaw, section, or paragraph that was presented and adopted if rescinding is too much
- **Discharge a committee**, which takes a matter out of a committee's hands before they have made a report on their findings so the assembly may act on it or the matter may be dropped
- **Reconsider**, which prompts the assembly to reconsider a motion that was adopted earlier that day, but new information or a changed situation makes it clear that the true will of the assembly would not be followed with the previous course

The reason why these motions are separate is because they relate to the following principles of parliamentary procedure:

- During a session or meeting when the assembly decides a question, it cannot be brought up again except through special circumstances
- When an assembly disposes of a question without finally acting on it, no similar or conflicting motion that would restrict the assembly in acting on the first motion may be introduced
- Changing something the assembly already adopted requires more than what was necessary to adopt it in the first place

Enacting Motions

For an assembly to enact or approve the motion, the assembly needs to *vote* on it; usually a majority of votes is needed to enact or approve the motion; however, certain motions require a two-thirds majority of voters to approve the motion; these include motions that:

- Suspend or modify a rule of order
- Prevent the introduction of a question for consideration
- Close, limit, or extend the limits of debate
- Close nominations, polls, or otherwise limit voting
- Take away membership or an office

Special Note on Amendments

Amending a motion (or the bylaws) modifies the wording of the motion; the motion to amend:

- Must always be germane to the motion, meaning the assembly cannot amend a motion that is not pending
- Does not modify the motion if the amendment fails
- Can be applied to any main motion, but it cannot be applied to itself
- Must always be seconded
- Is out of order when another motion has the floor
- Is debatable when the motion that is being amended is debatable; if the motion is not debatable, then the motion to amend is not debatable
- May be amended, but secondary amendments are not allowed
- Requires a majority vote
- Can be reconsidered
- When applied to a main motion, takes precedence over the main motion and the motion to postpone indefinitely but gives way to all other motions
- When applied to a non-main motion, takes precedence over the motion that it seeks to amend but gives way to any other motion that would take precedence over the motion

Improper amendments include amendments that:

- Are not germane to the motion
- Have the effect of rejecting the main question
- Have the effect of repeating a question the assembly has already decided
- Change one parliamentary procedure into another
- Change the form of another amendment
- Strike out enacting words, such as "resolved"
- Are frivolous, or do not otherwise follow the rules of decorum
- Make the motion or question incomprehensible or incoherent
- Would convert the motion to an improper form
- Change the preamble of a resolution without finally amending the subsequent paragraphs or clauses

An amendment can take one of five forms:

- Inserts or adds words or paragraphs according to the following rules:
 - The motion for amendment must specify exactly where the words or paragraphs are to go by naming the words or paragraphs before and after the insertion
 - After words have been inserted or added, they cannot be removed unless there is a reconsideration or a new motion:
 - › to strike out the entire paragraph where the words were inserted or added
 - › to strike out a portion of the paragraph where the words were inserted or added
 - › to substitute an entire paragraph for the one in which the words were inserted
 - › to strike out a portion of the paragraph and enter in new words or a new paragraph that presents a different question

- If a motion to insert words is voted down, it may still be revived through a motion:

- › to insert part of the words
- › to insert part of the words in a different place
- › to insert the same words in place of others
- › to insert the same words in a different place where the effect will be different

• **Strikes out words or paragraphs** according to the following rules:

- The motion must specify the location of the words

- Only consecutive words may be struck out

- If a motion to strike words fails, it may still be revived through a motion:

- › to strike out only part of the words
- › to strike out the words with some others
- › to strike out all or a part of the same words and substitute them for others
- › to strike out all or some of the same words together with some others and substitute them for others

- A motion to strike a paragraph may be open to a secondary amendment in any form that is available to striking words

- A struck-out paragraph cannot be inserted again unless the wording is changed to present a different question

• **Strikes out and inserts** according to the rules above

• **Substitutes**, also according to the rules above

• **Fills in blanks**, using one of three ways:

- To fill a blank with a name, the chairperson takes nominations for the name and the assembly votes on them until one receives a majority

- To fill a blank with an amount of money, the chairperson takes nominations for the amount and arranges the amounts so that the least acceptable amount is voted upon first

- To fill a blank with a place, date, or number, use one of the above methods depending on the circumstances

When an amendment needs to be amended, or an amendment is applied to itself, a **secondary amendment**, or an amendment to the amendment, results

Voting

Putting the question is when a chairperson calls for a vote on a motion after clarifying to the assembly upon what they are voting; an assembly votes using the following methods:

- **Voice**, which is the usual method
 - **Rising**, which is used to determine the winner of an inconclusive voice vote
 - **Show of hands**, which is used instead of rising, usually in smaller groups
- The chairperson then counts and announces the vote:

• Usually a motion needs a simple majority to pass, but some need a two-thirds (66%) majority to pass, as explained previously



- The assembly can decide if there are restrictions on who may vote, such as limiting votes to only those present at the meeting, or using another ratio of winning votes to pass a motion
- All members have a right to **abstain**, or decline from voting, if they have a personal interest in the outcome of the vote
- If the motion passes, it passes immediately
- A chairperson may vote when his/her vote will affect the result, such as to break a tie, but a chairperson may not vote twice

Nominations & Elections

A **nomination** is a motion to elect a person to a position; the methods of nomination are:

- **The chair**, where the chairperson nominates the candidate
- **From the floor**, where a member nominates the candidate
- **Ballot**, where members may nominate other members for an office on a ballot (note that this is not the same as a petition election, as described below)
- **Mail**, where members are too far away to meet together in one place; this acts much like a ballot nomination, but nominations are simply collected through the mail instead of in person
- **Petition**, where a group of members may nominate someone by a petition

Assemblies and organizations may have their own rules outlining how to run elections; some methods are:

- **Ballot election**, in which the assembly votes for the candidate on a ballot
 - **Viva-voce election**, in which the assembly votes for the candidate by a voice vote
 - **Roll-call election**, in which each member stands and states for which candidate he/she is voting
- Elected officers win their seats when they win the most votes; an elected officer takes his/her office immediately upon winning an election, unless the assembly's rules state otherwise

Disciplinary Procedures

Disciplinary procedures should be outlined in the bylaws so that every member has notice as to the procedures; a fair disciplinary procedure includes:

- A confidential investigation by a committee to determine if further disciplinary action is warranted (**NOTE:** This committee does not have power, if not delineated in the bylaws, to compel a member to appear in front of it)
- The committee prepares and presents a report on the investigation, either exonerating the member or recommending the charges for the guilty member
- The accused is formally notified, and his/her rights are suspended for the duration of the trial
- A trial, or formal hearing, on the charges at which the accused may appear to defend him/herself
- The assembly reviews the committee's findings if the trial was not held in front of the assembly

The procedure for running the trial should include:

1. The chair directs the secretary to read the charges aloud to the committee or the assembly
2. The chair asks the accused how he/she would plead (guilty or not guilty)
3. If the accused pleads guilty, the trial ends
4. If the accused pleads not guilty, the trial proceeds in this order:
 - Opening statements by both sides
 - Witness testimony
 - Testimony of defense witnesses
 - Rebuttal witnesses for the organization or society
 - Closing arguments by both sides
5. The accused leaves the room when both sides finish their closing arguments
6. The committee or the assembly deliberate as to the guilt or innocence of the accused member
7. When deliberations are complete, the chair states, "The question before the assembly is: Is the member guilty of the specifications against him/her?"
8. The assembly or the committee members vote
9. Any punishment must be decided by a ballot vote, by a two-thirds margin
10. When voting is done, the accused is called back into the hall and the result is delivered

Ending a Meeting

A chairperson ends a meeting by **adjourning**, or closing the meeting, after all debate and business are finished; if there is unfinished business, the assembly may take it up at the next meeting; before a meeting ends, the assembly should decide the date and time of the next meeting if it is not already decided in the bylaws

Before adjourning, the chairperson must:

- Inform the assembly of any unfinished business to give the assembly the opportunity to finish it before adjourning
- Make any important announcements
- Make any motions to reconsider a previous vote if needed
- Make a motion to reconsider and enter on the minutes
- Give notice of a motion that will be presented at the next meeting if the motion is one that requires notice
- Move to set a time for an adjourned meeting if there isn't one already scheduled
- Formally state that the meeting "is adjourned"

The motion to adjourn must, like all motions, be seconded and voted upon so that the chairperson cannot end a meeting without the assembly's consent. If all business is finished and the preselected hour to adjourn has arrived, the assembly need not move to adjourn; the chairperson may ask, "Is there any further business?"; if there is none, the chairperson may then say, "Then I hereby adjourn this meeting"; the meeting is then adjourned

Form of Popular Motions

| When you want to make a motion to... | You say... |
|--------------------------------------|---|
| Postpone indefinitely | I move to postpone the motion indefinitely |
| Amend | I move to amend the motion by... |
| Commit or refer | I move to commit/refer the matter to... |
| Postpone definitely | I move to postpone the motion to... |
| Limit or extend debate | I move to limit/extend the time for debate |
| Previous question | I move for previous question |
| Table | I move to table... |
| Un-table | I move to un-table... |
| Orders of the day | I move for the orders of the day |
| Question of privilege | I rise for a question of privilege |
| Recess | I move for a recess |
| Adjourn | I move to adjourn |
| Fix the time to adjourn | I move to fix the time to adjourn |
| Point of order | Point of order, Chairperson, (question) |
| Point of information | Point of information, Chairperson, (question) |
| Rescind | I move to rescind my motion |
| Reconsider | I move for a reconsideration of... |
| Vote | I move to vote on... |
| Nominate | I move to nominate... |
| Suspend the rules | I move to suspend the rules and... |
| Divide the question | I move to divide the question |
| Divide the assembly | I move for a rising vote |

How to Use the Book

- Go to the table of contents and search for the action for which you need help (the table of contents does not list page numbers; it lists section numbers)
- Go to the section to which the table of contents directs you; *Robert's Rules of Order* is written in prose, so you will have to read the whole section to get a comprehensive idea of what it contains
- Each individual section is part of a larger section, so it is beneficial to read other sections in the subheading if you need more direction; this is especially helpful if you do not know when the topic you are researching arises during a meeting
- If you find yourself in a part of the rules that provides little guidance, do not worry—the rules assume that your assembly will write its own bylaws to fit its own purposes
- **NOTE:** *Robert's Rules of Order* can be superseded by your assembly's bylaws; so, if *Robert's Rules of Order* does not fit your assembly's processes, there is no need to change your assembly's rules to fit those outlined in *Robert's Rules of Order*

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ROBERTS RULES OF ORDER

"CHEAT SHEET"

| <i>TO DO THIS: (1)</i> | <i>YOU SAY THIS:</i> | <i>MAY YOU INTERRUPT SPEAKER?</i> | <i>MUST YOU BE SECONDED?</i> | <i>IS THE MOTION DEBATABLE?</i> | <i>IS THE MOTION AMENDABLE?</i> | <i>WHAT VOTE IS REQUIRED?</i> |
|--|--|-----------------------------------|------------------------------|---------------------------------|---------------------------------|-------------------------------|
| Adjourn the meeting | "I move we adjourn" | May not interrupt speaker | Must be seconded | Not debatable | Not amendable | Majority vote required |
| Recess the meeting | "I move that we recess until...." | May not interrupt speaker | Must be seconded | Not debatable | Amendable | Majority vote required |
| Complain about noise, room temp., etc. | "Point of privilege" | May interrupt speaker | No second needed | Not debatable (2) | Not amendable | No vote required (3) |
| Suspend further consideration of something | "I move we table it" | May not interrupt speaker | Must be seconded | Not debatable | Not amendable | Majority vote required |
| End debate | "I move the previous question" | May not interrupt speaker | Must be seconded | Not debatable | Not amendable | Two-thirds vote required |
| Postpone consideration of something | "I move we postpone this matter until..." | May not interrupt speaker | Must be seconded | Debatable | Amendable | Majority vote required |
| Have something studied further | "I move we refer this matter to a committee/attny" | May not interrupt speaker | Must be seconded | Debatable | Amendable | Majority vote required |
| Amend a motion | "I move that this motion be amended by..." | May not interrupt speaker | Must be seconded | Debatable | Amendable | Majority vote required |
| Introduce business (a primary motion) | "I move that..." | May not interrupt speaker | Must be seconded | Debatable | Amendable | Majority vote required |

- (1) The motions or points above are listed in established order of precedence. When one of them is pending, you may not introduce another that's listed below it, but you may introduce another that's listed above it.
- (2) In this case, any resulting motion is debatable.
- (3) Chair decides.

ROBERTS RULES OF ORDER

"CHEAT SHEET"

| TO DO THIS: (1) | YOU SAY THIS: | MAY YOU INTERRUPT SPEAKER? | MUST YOU BE SECONDED? | IS THE MOTION DEBATABLE? | IS THE MOTION AMENDABLE? | WHAT VOTE IS REQUIRED? |
|--|---|---------------------------------|-----------------------|---|--------------------------|---|
| | | | | | | |
| Object to a procedure or to a personal affront | "Point of order" | May interrupt speaker | No second needed | Not debatable | Not amendable | No vote required, chair decides |
| Request information | "Point of information" | If urgent may interrupt speaker | No second needed | Not debatable | Not amendable | No vote required |
| As for a vote by actual count to verify a voice vote | "I call for a division of the house" | May not interrupt speaker (2) | No second needed | Not debatable | Not amendable | No vote required unless someone objects (3) |
| Object to considering some undiplomatic or improper matter | "I object to consideration of this question" | May interrupt speaker | No second needed | Not debatable | Not amendable | Two thirds vote required |
| Take up matter previously tabled | "I move we take from the table" | May interrupt speaker | Must be seconded | Not debatable | Not amendable | Majority required |
| Reconsider something already disposed of | "I move we now (or later) reconsider our action relative to..." | May interrupt speaker | Must be seconded | Debatable if original motion is debatable | Not amendable | Majority required |
| Consider something out of its scheduled order | "I move we suspend the rules and consider..." | May interrupt speaker | Must be seconded | Not debatable | Not amendable | Two thirds vote required |
| Vote on a ruling by the chair | "I appeal the chair's decision" | May not interrupt speaker | Must be seconded | Debatable | Not amendable | Majority required |

- (1) The motions or points above have no established order of precedence.
 Any may be introduced at any time, except when the meeting is considering one of the top 3 matters listed in the chart on page 1 (adjourn, recess, point of privilege).
- (2) But division must be called before another motion is started.
- (3) Then majority vote is required.

City of Jenkins

RULES FOR PUBLIC COMMENT

WELCOME to this meeting of your City Council. Please take a moment to read our guidelines for public participation in council meetings. While we welcome and strongly encourage public participation, these rules are in place in order for the City Council meetings to be productive and enable the City Council to conduct City business and work for YOU.

Agenda: An agenda packet is available for public inspection at the entrance to the meeting room. Ordinarily the council will address items as they appear on the agenda.

Council procedure: The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally, a simple majority vote of the members present is needed to pass most motions.

Public participation in meetings:

Comments from the public are restricted to the public forum period. City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.

During the public forum period, citizens must:

1. Sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet is available at the meeting entrance.
2. Be recognized by the presiding officer before speaking. Comments are limited to three minutes.
3. Direct their remarks to the presiding officer.
4. Follow the direction of the presiding officer.

During forum period, the public is

prohibited from: The use of obscene, profane, or threatening language.

Threatening, loud, or boisterous conduct that disrupts the meeting or the security of the public. Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. If the conduct continues, the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means.

The presiding officer may:

1. Request the public to appoint a spokesperson when multiple speakers appear to speak on the same topic.
2. Place a time limit on or defer the public comment period.
3. Alter rules to meet legal requirements for public hearings required by law.



AGENDA ITEM # 5a

REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty
Date: July 28th, 2025
Subject: Cargo Containers and City Code Chapter 91: "Nuisance, Parking and Storage"

Report: The attached Ordinance Amendment was presented to the Commission in a previous meeting. The agenda item was tabled for staff to gather further information regarding shipping/cargo containers surrounding allowed districts, performance standards, etc.

Attached is information gathered from across the State of MN.

Requested Action: Please review, discuss, edit, table, approve or deny recommendation of the attached draft Ordinance Amendment for City Council. If denying or tabling the amendment, please give staff further direction.



Crow Wing County:

Article 46.2 DEFINITIONS

5. *ACCESSORY USE OR STRUCTURE* - A use or structure which is incidental and subordinate to and on the same lot as the principal structure and does not include living quarters. Such structures include sheds, storage shelters, pole buildings, detached garages, cargo containers, in-ground pools, and similar structures.

79. *CARGO CONTAINER* - A sealed metal box receptacle of size and type commonly used for shipping items via railroad or water vessels. A cargo container must be free of visible rust and in overall good repair to be used as an accessory structure.

Accessory Structures are listed as P in all districts on the county's land use table.

Accessory Structure Standards.

1. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.
2. A permit shall not be required for up to two accessory structures totaling no more than 320 square feet. Ground-mounted solar panel installations shall not count against this limit.
3. No accessory structure shall be used for human habitation except to allow for a guest quarter.
4. All setback and building height requirements shall be met.
5. Construction complies with all provisions of this Ordinance.
6. Railroad cars, manufactured houses, or similar structures shall not be used for storage. Cargo containers, as defined by this ordinance, shall be allowed with a land use permit.

Pequot Lakes, MN

SHIPPING CONTAINERS AS AN ACCESSORY USE:

Shipping containers are allowed as an accessory use in the B-3, zoning district subject to the following performance standards:

- A. A limit of one shipping container shall be allowed per lot.
- B. The maximum dimensions of the shipping container shall not exceed twenty feet (20') in length by eight feet (8') in width by eight feet (8') in height.
- C. Property owners may be required to obtain a building permit from the city prior to placing or moving the shipping container onto the property. The Building Official shall determine what permits may be needed based on the use of the container.
- D. The shipping container shall be placed on a hard surface such as concrete, asphalt or a gravel pad.



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- E. A shipping container located within the floodplain shall comply with all floodplain requirements.
- F. The placement of the shipping container shall comply with all applicable building setbacks for the zoning district in which it is located and all other applicable zoning ordinance requirements, except as modified herein.
- G. A shipping container shall not be used as a dwelling unit.
- H. A shipping container shall not be used primarily for storage purposes.
- I. Notwithstanding to the provisions § 10-15-17, shipping containers are allowed to retain their vertical ribbed metal siding but must be painted a color that is compatible with the primary structure on the lot or aesthetically appropriate to the intended use and in compliance with signage regulations.
- J. The shipping container shall be structurally sound, operated in a safe manner and maintained in good repair. (Ord. 1470, 1-22-2024)

From Crosslake, MN (attached, please find information related to other zoning districts)

ARTICLE 36 - Accessory Structure Standards

Sec 26-960 Accessory Structures—~~Residential Districts~~

- (1) On lots 2 acres in size or less, each residential accessory structures must meet the following requirements:

| STRUCTURE SIZE | Road right of way | Side yard | GD Lake | GD River | RD Lake | NE Lake | NE River | Bluff | Wetland | Building Height | Wall Height |
|--------------------------------|-------------------|-----------|---------|----------|---------|---------|----------|-------|---------|-----------------|-------------|
| Up to 1200 square feet in size | 35 | 10 | 75 | 100 | 100 | 150 | 150 | 30 | 15 | 24 | 12 |

- (2) On Lots greater than 2 acres and less than 4 acres in size, residential accessory structures shall meet the following requirements:

| STRUCTURE SIZE | Road right of way | Side yard | GD Lake | GD River | RD Lake | NE Lake | NE River | Bluff | Wetland | Building Height | Wall Height |
|--------------------------------|-------------------|-----------|---------|----------|---------|---------|----------|-------|---------|-----------------|-------------|
| Up to 2500 square feet in size | 35 | 10 | 75 | 100 | 100 | 150 | 150 | 30 | 15 | 24 | 12 |

- (3) On Lots greater than 4 acres in size, each residential accessory structure must meet the following requirements:

| STRUCTURE SIZE | Road right of way | Side yard | GD Lake | GD River | RD Lake | NE Lake | NE River | Bluff | Wetland | Building Height | Wall Height |
|---|-------------------|-----------|---------|----------|---------|---------|----------|-------|---------|-----------------|-------------|
| Maximum impervious limit of 25% for the lot shall not be exceeded | 35 | 10 | 75 | 100 | 100 | 150 | 150 | 30 | 15 | 24 | 16 |

- (4) A permit shall not be required for up to two accessory structures totaling no more than 160 square feet.
- (5) No accessory structure shall be used for human habitation except to allow for a permitted auxiliary quarter as listed in Section 26-314.
- (6) All setback and building height requirements shall be met.
- (7) Construction complies with all provisions of Articles 20 and 21 of this Chapter.
- (8) Semi-trailers, railroad cars, manufactured houses, or similar structures shall not be used for storage.
- (9) Accessory Structures with a footprint greater than 1200 sq ft shall require a Conditional Use Permit



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From Wahkon, MN pop 235

Section 5.17. Public Nuisances. The following are declared to be public nuisances that threaten the public health, safety, and welfare and are prohibited by this Ordinance. Subd. 1. Storage Containers. The use of semitrailers, shipping containers, and other similar structures or containers for storage on a lot for more than 180 days in any one year period is prohibited. This prohibition shall not apply to construction storage trailers used on site during a construction project provided all required permits are obtained for the project, the project remains in compliance, and the trailer is removed from the lot upon completion of the project.

From Isle, MN pop 827

Note from Clerk: "We have issued interim use permits for the storage containers to be used ONLY during construction projects, allowing 1 year of use on any property. We do not allow storage containers for any other purpose. The only zone they are permitted to remain for longer than one year is in our C2 Industrial Zones."

From Lafayette, MN pop 492

§ 151.134 SHIPPING AND STORAGE CONTAINERS.

Shipping and storage containers in residential areas shall be prohibited for use as a storage structure, except as a temporary unit for moving purposes for a period of not more than one consecutive month in a 12-month period, or as a temporary construction project container for a limited time not to exceed three months and removed within 30 days of completion of the project.

(Ord. 128, passed 4-8-2019) Penalty, see § 151.999

The City of Heron Lake, MN pop.592

Clerk responded to inquiry stating that their city has the same code as Lafayette, MN (above).

From Stockton, MN pop. 809

Note from City Clerk: "We do have one that was requested as a garage, and that is what they use it for - so we added in (D) after it was placed. So even if they request one, it must be compatible with the zoning area."

Accessory Structures:

(A) Tool houses, sheds, or similar structures for storage of domestic supplies, or non-commercial recreational equipment are limited to no more than two (2) structures, shall not exceed an aggregate of 400 square feet in area.

(B) There shall be no more than two accessory buildings on an R-1 or R-2 zoned lot.



(C) No accessory building shall be taller than the primary building.

(D) Building materials shall be attractive in appearance, of a durable finish, and be of a quality that is compatible and harmonious with adjacent structures. All buildings shall be of good aesthetic and architectural quality, to ensure they will maintain and enhance the property values of the neighboring properties.

From Marshall, MN pop 13,996

Storage containers, including, but not limited to, trailers, semi-trailers, cargo and shipping containers, and PODS, are **not allowed as permanent storage units in all classes of residential or business districts**. Utilization of a single unit is allowed for temporary storage for no more than 30 days in a calendar year; the 30 days limit may be extended up to 180 days by an interim use permit. The above listed units used for temporary construction related storage shall be allowed during an ongoing construction project and up to a month prior to construction, provided a valid building permit is obtained. As an exception, shipping containers totaling less than 340 square feet may be permitted by an interim use permit in a B-3 general business district, with the following conditions:

1. The containers shall not be placed in any front or required side or rear yard.
2. The containers shall be located so as not to be visible from adjacent public right-of-way, public parks, or any lot within 500 feet in any of the classes of residence districts. It may be screened by fencing or landscaping means compliant with section 86-247.
3. The containers shall be new or freshly painted with neutral colors with no painted signage, lettering, or advertising and shall be properly maintained.

The interim use permit shall expire when the property changes ownership.

The idea is to allow some flexibility in a business district but not look ugly, and if you need more storage than allowed you should probably just build a structure at that point.

Front Mounds View, MN pop 12,841

160.041 CARGO CONTAINERS.

(A) *Permitted locations and prohibitions.*

(1) Cargo containers **may not be placed, stored or used permanently on any property zoned for residential use**. Cargo containers with alterations, such as cosmetic or structural changes done in order for the container to appear more like a typical accessory building, are not allowed permanently on residential property.

(2) Cargo containers may be placed, stored or used for temporary storage on property zoned for residential use. Each residential property may use only one cargo container at a time.

(B) *Standards. The following standards shall apply to all cargo containers.*



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(1) Cargo containers shall not be stacked on one another.

(2) Cargo containers shall not be used for human habitation or commercial purposes, and shall not be provided with refrigeration, heating, electricity or plumbing.

(3) Refuse and debris shall not be stored in, against on or under the cargo container.

(4) The cargo container may not occupy any required off-street parking spaces or loading/unloading areas or fire lanes in any district.

(5) The cargo container shall not block, obstruct or reduce in any manner any required exits, windows, vent shafts, parking spaces and/or access driveways.

(6) The cargo container shall be placed on an asphalt or concrete surface and be located a minimum of 15 feet from the edge of the street.

(7) (a) The cargo container shall be structurally sound, stable and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately repaired or removed from the property.

(b) The city shall provide notice to the owner of the property where the cargo container is located of any condition in violation of this section.

(c) After notice to the property owner, any cargo container stored or kept in a manner deemed a dangerous condition and a public nuisance as determined by the city may be immediately removed by the city. Any cost or expense associated with the removal shall be the responsibility of the property owner where the cargo container is located.

(C) Current violations; time to comply.

(1) Cargo containers located on residential property prior to the effective date of this chapter are considered illegal.

(2) All property owners within the city shall have 12 months from the effective date of this chapter to bring the properties, which currently contain cargo containers or accessory storage structures that are in violation of the terms of this chapter, into full compliance with the provisions of this chapter.

(Prior Code, § 1103.19) (Ord. 879, passed 07-22-2013) Penalty, see § 160.999



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REPORT TO PLANNING COMMISSION

Prepared by: Cassandra Delougherty
Date: July 28th, 2025
Subject: Learning Opportunities Available to Commissioners

Report: In the spirit of serving our residents to the best of our abilities in our elected or appointed positions, continued education can be key to better understanding our roles and authority, processes, obligations, conflicts, and considerations. Below are just a few of the opportunities for recorded webinar viewing and League of MN Cities Member-Learn courses:

- Open Meeting Law
- Land Use Regulation Mini-Course
 - Introduction to Land Use Regulation
 - Discretion and The Land Use Regulation Process
 - Land Use Conclusion
- Land Use Regulation: Your Role in Land Use Decision Making
- Land Use Decision Making: What are the Facts?
- Code Enforcement
- Conflict of Interest

Requested Action: Please discuss if the Commission would like to take time in a future meeting to view the above listed webinars and courses.