

**RULES OF PROCEDURE APPLICABLE TO AQPAC:
THE CONDUCT OF MEMBERS AND THE CONDUCT OF NON-MEMBERS**

I have been asked to address several questions concerning the conduct of business before the Air Quality Public Advisory Committee, particularly concerning the decorum and conduct required of members and public participants, and the obligations of the Chair and the Assembly as a whole. The answers to these questions must be found in the various rules governing the formal proceedings of the Committee.

Rules of procedure applicable to meetings of AQPAC derive from several sources:

- Bylaws of Air Quality Public Advisory Committee (AQPAC)
 - Bylaws of Metropolitan Washington Air Quality Committee (MWAQC)
 - Bylaws of the Metropolitan Washington Council of Governments (COG)
 - Rules of Procedure of the Metropolitan Washington Council of Governments
 - Robert's Rules of Procedure, Newly Revised (Robert's Rules)
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- COG, MWAQC, and AQPAC all adopt Robert's Rules as applicable to the proceedings of the respective organizations.
 - The COG Board of Directors has also adopted specific rules of procedure for the conduct of business that occurs under the general authority of COG.

Since MWAQC is, in significant part, derivative of COG and is largely supported by COG financial and human resources, and since the COG procedures are generally more liberal than Robert's Rules, I am of the opinion that AQPAC is obligated to follow the COG rules of procedure when such rules specifically address a situation, and must follow Robert's Rules when the COG rules of procedure are silent on the situation or question at hand.

1) 1) May the public address AQPAC?

Whether the public has the general right to address AQPAC is left to the discretion of AQPAC, itself.

COG has no requirement to permit public comment, except as part of a public hearing process, set and advertised pursuant to 6.00-6.03 of the COG Rules of Procedure. MWAQC has a requirement to seek public participation (Bylaws, Section 9), which it has implemented formally by the creation of AQPAC, and informally by affording a limited public comment at the beginning of each MWAQC meeting.

If AQPAC elects to consider public comment, it may do so at such times and places, and for such individual or group duration as it sees fit.

2) 2) How does a person obtain the floor for purpose of a comment or question?

A member of the public may be requested to sign in on a register, and await recognition by the chair or, if an open public forum is permitted, may request recognition from the chair by standing, raising a hand, or such other signal as the chair may indicate is appropriate for such purpose.

A member may seek recognition orally from the chair.

In any event, neither a member of the public or a member of AQPAC may substantively address the body until recognized by the chair.

For an AQPAC member the requirement to seek and receive recognition from the chair is true whether the purpose is to give notice, make a motion, submit a report, or for any other purpose. COG Rule 2.01; Robert's Rules, Section 41. If a member is entitled to the floor, the chair must recognize the member. In general a member is entitled if a) no other member currently has the floor and b) the member seeking recognition has not already spoken to the issue while others desire to address the question. COG Rule 2.01. There are a few occasions when a member need not obtain the chair's recognition, e.g., calling a member to order, requesting division of a vote, parliamentary inquiry. These, however, cannot be used to defeat the normal operations of the body pursuant to the rules; they merely insure parliamentary accuracy and personal privilege. See, e.g., Robert's Rules, Sections 29 and 41.

3) 3) Once a member has the floor, what are the limitations on his or her speech?

The primary general requirement is germaneness – a member's comments must be germane to the question or issue before the body. Robert's Rules, Section 42. Germane debate is limited to five minutes at any one time for any member. COG Rule 2.02. If the member's comments are not germane the chair may rule a member out of order, and grant recognition to another member. Robert's Rules. Section 42.

COG's rules grant a member the privilege of addressing the body "for a period not longer than five minutes concerning matters which may affect the Board collectively, its rights, its dignity and the integrity of its proceedings, or the rights, reputation, and conduct of its individual members in their representative capacities only. COG Rule 2.03.

Any statement, whether under COG Rule 2.02 or 2.03, must follow decorum and be made in good taste, without personal attack. If, in the opinion of the chair, decorum is not followed, the chair may rule the statement out of order and grant recognition to another member.

If a member disagrees with the ruling of the chair, the member may appeal the ruling of the chair. The full assembly will then vote on the appeal with both the appealing member and the chair authorized to vote. A majority vote is required to sustain the chair. Robert's rules, Section 24.

4. How does the chair maintain order and decorum?

If a member of the public acts in a manner disturbing the assembly, the chair may request that the person leave. If the person does not, and continues to disrupt the assembly, the person may be removed as a trespasser, either by a sergeant at arms or, if necessary, the police. The public person has no right to appeal such order of the chair. Robert's Rules, Section 60.

If a member of the body does not relinquish the floor when so ordered, or continues to act in a way that disrupts the continuing efforts of the body, the chair may order the member to leave. If the member refuses, the chair may request that other members of the body, or its sergeant at arms, or the police perform this function. Robert's Rules, Section 60. This order of the chair may be appealed, pursuant to Robert's Rules, Section 24.